

EXHIBIT B

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
THIRD DIVISION

In re: Guidant Corp. Implantable Defibrillators
Products Liability Litigation


MDL No. 05-1708
(DWF/AJB)

This Document Relates to All Actions

**DEFENDANT CARDIAC PACEMAKERS, INC'S OBJECTIONS TO PLAINTIFFS'
FIFTH SET OF INTERROGATORIES PRECIPATED BY STEPHEN HIGGIN'S M.D.
FAILURE TO COOPERATE WITH DISCOVERY**

Cardiac Pacemakers, Inc. ("CPI"), hereby responds to Plaintiffs' Fifth Set of Interrogatories ("Interrogatories") as follows:

Respectfully submitted,

By: 

Timothy A. Pratt
Deborah A. Moeller
SHOOK, HARDY & BACON L.L.P.
2555 Grand Boulevard
Kansas City MO 64108
Telephone: (816) 474-6550
Telefax: (816) 421-5547

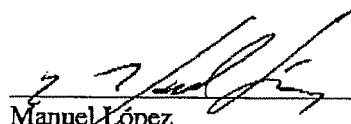
ATTORNEYS FOR DEFENDANT
CARDIAC PACEMAKERS, INC.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that April 9, 2007, I caused to be served a true and correct copy of Defendant Cardiac Pacemakers, Inc.'s Objections to Plaintiffs' Fifth [Sixth] Set of Interrogatories, via U.S. certified mail, return receipt requested, on the following:

Ronald S. Goldser
ZIMMERMAN REED, PLLP
651 Nicollet Mall, Suite 501
Minneapolis, MN 55402

Silvija A. Strikis
Kellogg, Huber, Hansen,
Todd, Evans & Figel, P.L.L.C.
Sumner Square
1615 M Street, N.W.
Washington, D.C. 20036-3209



Manuel Lopez**GENERAL OBJECTIONS**

1. CPI objects to these Interrogatories on the grounds that the number of interrogatories previously propounded by Plaintiffs already greatly exceeds 25, including all discrete subparts, in violation of Rule 33(a) of the Federal Rules of Civil Procedure. Including subparts, this set alone consists of at least 20 interrogatories.

2. CPI objects to these Interrogatories on the grounds that they are argumentative, oppressive and unduly burdensome and on the grounds that they attempt to impose obligations on CPI beyond than those imposed or authorized by the Federal Rules of Civil Procedure.

3. CPI objects to Plaintiffs' incorporation of "Definitions" and "Instructions" from a previously-served set of discovery on the grounds that those "Definitions" and "Instructions" are not applicable to this particular set of Interrogatories. CPI further objects to those "Definitions" and "Instructions" to the extent that they attempt to impose obligations on CPI other than those

imposed or authorized by the Federal Rules of Civil Procedure and/or any applicable order of this Court.

4. CPI objects to Plaintiffs' definition of "Medical Advisory Board" on the grounds that it is argumentative and sets forth an incomplete and inaccurate characterization of the Medical Advisory Board.

5. CPI objects to Plaintiffs' Interrogatories to the extent that they seek sensitive and private information and/or documents including, but not limited to, the identity of individual patients or their physicians and medical facilities. Specifically, disclosure of this information and/or documents could violate the privacy rights of persons who are not parties to this action, as well as statutory, regulatory, and common law. CPI is expressly required by federal law to protect any information that would identify any person associated with an adverse event related to a medical device. *See, e.g.*, 21 U.S.C. § 360i; 21 C.F.R. §§ 314.430, et seq.; 21 C.F.R. § 20.63(f); 21 C.F.R. § 803.9.

These General Objections are incorporated into each of the following specific responses to the Interrogatories; shall be deemed continuing as to each Interrogatory; and are not waived, or in any way limited, by the following objections and responses.

CPI reserves the right to assert additional objections to these Interrogatories as appropriate and to supplement these objections and responses.

RESPONSES TO INTERROGATORIES

INTERROGATORY NO. 1: Identify all communications between Defendants, their agents, and/or counsel and Stephen Higgins, M.D. for each such communication:

- a. Identify all persons included in the correspondence;
- b. The date and time of the communication; and
- c. The subject matter of the communication.

OBJECTION: CPI objects to this Interrogatory on the grounds that it attempts to circumvent and has been superseded and made moot by the Court's March 26, 2007 Order Regarding Plaintiffs' Renewed Motion to Compel Dr. Steven L. Higgins' Compliance with Subpoena Duces Tecum. CPI also objects to this Interrogatory on the grounds that it is compound, overly broad and attempts to impose obligations in addition to those imposed or authorized by the Federal Rules of Civil Procedure and/or any applicable order of this Court. CPI also objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, including to the extent that it is not limited in time and scope to this litigation and Leopoldo Duron's subject device and recalled failure mechanism. CPI also objects to this Interrogatory on the grounds that it is cumulative and duplicative of prior discovery. CPI further objects to this Interrogatory because it is vague, ambiguous, and fails to identify the documents sought with reasonable particularity.

INTERROGATORY NO. 2: Identify all email or electronic exchanges between Defendants, their agents, and/or counsels and Stephen Higgins, M.D. For each such communication:

- a. Identify all persons included in the correspondence;
- b. The date and time of the communication; and
- c. The subject matter of the communication.

OBJECTION: CPI objects to this Interrogatory on the grounds that it is unduly burdensome, duplicative, cumulative and oppressive to the extent that it seeks the same information as Interrogatory No. 1 above. CPI incorporates herein its objections to Interrogatory No. 1. CPI also objects to this Interrogatory and, specifically, to the phrase "all email or electronic exchanges" on the grounds that they are vague, ambiguous, and they fail to identify the documents sought with reasonable particularity.

INTERROGATORY NO. 3: Identify anything that in any way memorializes any and all agreements, contracts, memorandums of understanding, correspondence that deal in any way with any financial arrangement and or relationship of any kind between Defendants, their agents and or counsel and Stephen Higgins, M.D.

OBJECTION: CPI objects to this Interrogatory on the grounds that it attempts to circumvent and has been superseded and made moot by the Court's March 26, 2007 Order Regarding Plaintiffs' Renewed Motion to Compel Dr. Steven L. Higgins' Compliance with Subpoena Duces Tecum. CPI also objects to this Interrogatory on the grounds that it is compound, overly broad and attempts to impose obligations in addition to those imposed or authorized by the Federal Rules of Civil Procedure and/or any applicable order of this Court. CPI also objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, including to the extent that it is not limited in time and scope to this litigation and Leopoldo Duron's subject device and recalled failure mechanism. CPI also objects to this Interrogatory on the grounds that it is cumulative and duplicative of prior discovery. CPI further objects to this Interrogatory because it is vague, ambiguous, and fails to identify the documents sought with reasonable particularity.

INTERROGATORY NO. 4: Identify any telephone call records, logs, pin registers or documents of any kind that record telephonic communications between Stephen Higgins, M.D. and Defendants.

OBJECTION: CPI objects to this Interrogatory on the grounds that it attempts to circumvent and has been superseded and made moot by the Court's March 26, 2007 Order Regarding Plaintiffs' Renewed Motion to Compel Dr. Steven L. Higgins' Compliance with Subpoena Duces Tecum. CPI also objects to this Interrogatory on the grounds that it is compound, overly broad and attempts to impose obligations in addition to those imposed or authorized by the Federal Rules of Civil Procedure and/or any applicable order of this Court.

CPI also objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, including to the extent that it is not limited in time and scope to this litigation and Leopoldo Duron's subject device and recalled failure mechanism. CPI also objects to this Interrogatory on the grounds that it is cumulative and duplicative of prior discovery. CPI further objects to this Interrogatory because it is vague, ambiguous, and fails to identify the documents sought with reasonable particularity.

INTERROGATORY NO. 5: Identify all communication between Stephen Higgins, M.D. and Fred McCoy.

OBJECTION: CPI objects to this Interrogatory on the grounds that it attempts to circumvent and has been superseded and made moot by the Court's March 26, 2007 Order Regarding Plaintiffs' Renewed Motion to Compel Dr. Steven L. Higgins' Compliance with Subpoena Duces Tecum. CPI also objects to this Interrogatory on the grounds that it is compound, overly broad and attempts to impose obligations in addition to those imposed or authorized by the Federal Rules of Civil Procedure and/or any applicable order of this Court. CPI also objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, including to the extent that it is not limited in time and scope to this litigation and Leopoldo Duron's subject device and recalled failure mechanism. CPI also objects to this Interrogatory on the grounds that it is cumulative and duplicative of prior discovery. CPI further objects to this Interrogatory because it is vague, ambiguous, and fails to identify the documents sought with reasonable particularity.

INTERROGATORY NO. 6: Identify all documents relating to work performed by Stephen Higgins, M.D. on the Defendants' Medical Advisory Board (MAB).

OBJECTION: CPI objects to this Interrogatory on the grounds that it attempts to circumvent and has been superseded and made moot by the Court's March 26, 2007 Order Regarding Plaintiffs' Renewed Motion to Compel Dr. Steven L. Higgins' Compliance with Subpoena Duces Tecum. CPI also objects to this Interrogatory on the grounds that it is compound, overly broad and attempts to impose obligations in addition to those imposed or authorized by the Federal Rules of Civil Procedure and/or any applicable order of this Court. CPI also objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, including to the extent that it is not limited in time and scope to this litigation and Leopoldo Duron's subject device and recalled failure mechanism. CPI also objects to this Interrogatory on the grounds that it is cumulative and duplicative of prior discovery. CPI further objects to this Interrogatory because it is vague, ambiguous, and fails to identify the documents sought with reasonable particularity.

INTERROGATORY NO. 7: Identify with specificity all payments or remuneration of any kind made to Stephen Higgins, M.D. by Defendants for any purpose. For each such payment or remuneration, set forth:

- a. The exact amounts;
- b. The reason for each payment;
- c. The date of such payment;
- d. The individual or individuals who authorized or approved of such payments; and
- e. The exact services that Stephen Higgins, M.D. provided to the Defendants for such payment.

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INTERROGATORY NO. 8: Identify whether Defendants have issued any IRS 1099, W-2 or other Internal Revenue Service approved documents covering any payments made to Stephen Higgins, M.D. for any reason.

- a. Set forth the dates such documents were issued and the corresponding amount of payment involved.

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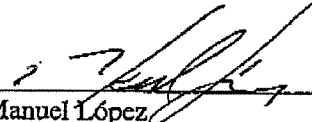
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UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
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Products Liability Litigation

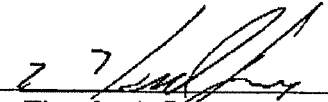
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This Document Relates to All Actions

**DEFENDANT GUIDANT SALES CORPORATION'S OBJECTIONS TO PLAINTIFFS'
FIFTH SET OF INTERROGATORIES PRECIPATED BY STEPHEN HIGGIN'S M.D.
FAILURE TO COOPERATE WITH DISCOVERY**

Guidant Sales Corporation ("GSC"), hereby responds to Plaintiffs' Fifth Set of Interrogatories ("Interrogatories") as follows:

Respectfully submitted,

By: 

Timothy A. Pratt
Deborah A. Moeller
SHOOK, HARDY & BACON L.L.P.
2555 Grand Boulevard
Kansas City MO 64108
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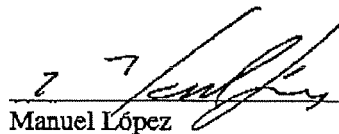
ATTORNEYS FOR DEFENDANT
GUIDANT SALES CORPORATION

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that April 9, 2007, I caused to be served a true and correct copy of Defendant Guidant Sales Corporation's Objections to Plaintiffs' Fifth [Sixth] Set of Interrogatories, via U.S. certified mail, return receipt requested, on the following:

Ronald S. Goldser
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Manuel López

GENERAL OBJECTIONS

1. GSC objects to these Interrogatories on the grounds that the number of interrogatories previously propounded by Plaintiffs already greatly exceeds 25, including all discrete subparts, in violation of Rule 33(a) of the Federal Rules of Civil Procedure. Including subparts, this set alone consists of at least 20 interrogatories.
2. GSC objects to these Interrogatories on the grounds that they are argumentative, oppressive and unduly burdensome and on the grounds that they attempt to impose obligations on GSC beyond than those imposed or authorized by the Federal Rules of Civil Procedure.
3. GSC objects to Plaintiffs' incorporation of "Definitions" and "Instructions" from a previously-served set of discovery on the grounds that those "Definitions" and "Instructions" are not applicable to this particular set of Interrogatories. GSC further objects to those "Definitions" and "Instructions" to the extent that they attempt to impose obligations on GSC