

EXHIBIT D

From: Megan S. Wynne [mailto:mwynne@mpplaw.com]
Sent: Monday, April 30, 2007 2:51 PM
To: Strikis, Silvija A.; Fleishman, Wendy
Cc: Cutter, Brooks; Hshkolnik@Rheingoldlaw.com; Jenndrak@sbcglobal.net; Michael Moeller
Subject: RE: Higgins Documents

Dear Silvija,

Dr. Higgins has now also checked his personal tax documents and located two 1099s from Guidant which will be produced either today or tomorrow. He has now checked all personal and professional financial documents in his possession, and with the addition of the two 1099s, you will have everything responsive that he has been able to find. I also confirmed with Dr. Higgins again that he can locate no emails on any of his computers that reflect communications with Guidant, from any timeframe.

Please let me know if you have any questions.

Thanks,

Megan

Megan S. Wynne
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>>> "Strikis, Silvija A." <ssstrikis@khhte.com> 4/27/2007 4:12 PM >>>
Megan & Mike,

Thank you for your prompt provision of the unredacted documents, Megan. As I understand, we are still waiting for you to check with Dr. Higgins whether he has any other financial documents relating to payments from defendants, such as invoices, 1099s, W-2s, checkstubs, either personally or for any medical business that he has. You also indicated that you would doublecheck that he has no emails on any of his computers that reflect communications with defendants - whether older or more recent.

Mike, in our call yesterday, you had indicated that you would consult with defendants to

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determine if they have ready access to the same sort of financial documents relating to Dr. Higgins, such as other clinical trial income statements that would list payments to Dr. Higgins, copies of 1099s, W-2s, or other documents reflecting payments to Dr. Higgins. We note that it might also be possible to generate a list of payments to Dr. Higgins from defendants' accounting system(s). Typically, a payee would be assigned a unique number so that amounts payable can be tracked and it is often a relatively simple task to print a report of all payments to that payee. Please inquire whether the accountants in defendants' organization can search their systems for payments to Dr. Higgins and print a report of such payments.

Mike, you also stated that you would review your emails for communications with Dr. Higgins to determine whether you would agree to produce those. We had requested whether you had any drafts of Dr. Higgins' affidavit, and you responded that you did not, because you had met with Dr. Higgins in person to write the affidavit. You had indicated that you believe that any emails you have that reflect communications with Dr. Higgins are merely in regard to scheduling. We asked that you consider full production of any emails or other correspondence you have that reflect communications with Dr. Higgins, and you said you would review your files and consider the request. In this regard, we are assuming that you are the sole point of contact with Dr. Higgins within Shook Hardy. If that is not correct, we also ask that you ask any of your colleagues that may have communicated with Dr. Higgins to review their correspondence with Dr. Higgins as well, and advise whether they will agree to produce those documents.

We would appreciate a status update early next week.

Thank you.

Silvija

From: Megan S. Wynne [mailto:mwynne@mpplaw.com]
Sent: Thursday, April 26, 2007 7:16 PM
To: Fleishman, Wendy
Cc: Cutter, Brooks; Strikis, Silvija A.; Hshkolnik@Rheingoldlaw.com; Jenndrak@sbcglobal.net; Michael Moeller
Subject: Higgins Documents

Dear Wendy:

Attached hereto are the first thirteen (13) of the thirty-nine (39) documents containing financial information that were previously produced with the financial information redacted, which are now "unredacted" as to the financial information. The others will follow in two separate emails.

Please let me know if you have any questions.

Thanks,
Megan

05/03/2007

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