

EXHIBIT E

From: Strikis, Silvija A.
Sent: Friday, April 27, 2007 9:42 PM
To: 'Moeller, Michael (SHB)'; mwynne@mpplaw.com; Fleishman, Wendy
Cc: Cutter, Brooks; HShkolnik@Rheingoldlaw.com; jenndrak@sbcglobal.net; Moeller, Deborah A. (SHB); Carpenter, Andrew (SHB)
Subject: RE: Higgins Documents

Mike,

It will be fine if you forward the unredacted agreements Monday, or over the weekend if you get a chance to do so. Please also advise by Monday if we have reached impasse on the balance of the requests, so that we have time to brief the Court on the issues. Thank you.

Silvija

From: Moeller, Michael (SHB) [mailto:MMOELLER@shb.com]
Sent: Friday, April 27, 2007 9:32 PM
To: Strikis, Silvija A.; mwynne@mpplaw.com; Fleishman, Wendy
Cc: Cutter, Brooks; HShkolnik@Rheingoldlaw.com; jenndrak@sbcglobal.net; Moeller, Deborah A. (SHB); Carpenter, Andrew (SHB)
Subject: Re: Higgins Documents

Unredacted agreements will be sent. I think they were sent to me in an email. I am out of gas. Is Monday okay on this. I promised this and if you really need it today, I will stand by my word. Do not agree with balance of your email.

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: Strikis, Silvija A. <strikis@khhte.com>
To: Moeller, Michael (SHB); mwynne@mpplaw.com <mwynne@mpplaw.com>; Fleishman, Wendy <wfleishman@lchb.com>
Cc: Cutter, Brooks <bcutter@kcrlegal.com>; HShkolnik@Rheingoldlaw.com <HShkolnik@Rheingoldlaw.com>; jenndrak@sbcglobal.net <jenndrak@sbcglobal.net>; Moeller, Deborah A. (SHB); Carpenter, Andrew (SHB)
Sent: Fri Apr 27 20:14:02 2007
Subject: RE: Higgins Documents

Mike,

We have not received any unredacted documents from defendants. We did receive unredacted documents from Megan Wynne, produced from Dr. Higgins. Because it appears that Dr. Higgins may not keep complete records, we would appreciate if defendants would also produce the unredacted agreements that you have promised to produce.

The same is true with respect to documents reflecting compensation to Dr. Higgins. We are seeking complete information regarding the compensation that defendants have provided to Dr. Higgins. Although we have asked Megan to find out if Dr. Higgins may have additional documents, she has indicated that he believes he has provided everything he has. There is no question that she should ask him if he has additional documents (such as in tax or accounting files) that he has not produced for some reason. However, we believe that defendants should also provide such information if it is readily available to them, and ask you to reconsider your withdrawal of the prior agreement to check with your clients to see if they have responsive documents.

We also ask that you reconsider your refusal to review and produce your communications with Dr. Higgins. In light of Megan's representation that Dr. Higgins has failed to retain virtually any emails reflecting communications with defendants, we believe that it is reasonable to obtain any such communications in defendants' possession. Under the circumstances and

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consistent with the Court's prior orders, we believe that the Court would agree. We ask that you reconsider and we also ask that you confirm who else at Shook Hardy may be in possession of such communications.

Thank you.

Silvija

From: Moeller, Michael (SHB) [<mailto:MMOELLER@shb.com>]
Sent: Friday, April 27, 2007 9:02 PM
To: Strikis, Silvija A.; mwynne@mpplaw.com; Fleishman, Wendy
Cc: Cutter, Brooks; HShkolnik@Rheingoldlaw.com; jennrak@sbcglobal.net; Moeller, Deborah A. (SHB); Carpenter, Andrew (SHB)
Subject: Re: Higgins Documents

Silvija: The comment about the possibility of the existence of Guidant documents showing compensation was raised as a discussion point because Dr. Higgins had made reference to Guidant perhaps having documents and to explore the possibility to avoid plaintiffs from further burdening Dr. Higgins. In light of your continued efforts to obtain such documents from Dr. Higgins, I am not going to pursue the issue further on my end.

With respect to the emails, the issue of the affidavit was raised. I told you I have no email correspondence with Dr. Higgins concerning the affidavit. That representation is accurate. I decline your invitation to produce my emails.

With respect to the documents that I told you would be produced (the agreements in an unredacted form), I just landed in KC after having been to Florida and back today and have not yet been through my emails to see if these documents have been sent to you. Please let me know if you are in receipt of the same or not.

Thanks, Mike.

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: Strikis, Silvija A. <sstrikis@khhte.com>
To: Megan S. Wynne <mwynne@mpplaw.com>; Fleishman, Wendy <wfleishman@lchb.com>
Cc: Cutter, Brooks <bcutter@kcrlegal.com>; Hshkolnik@Rheingoldlaw.com <Hshkolnik@Rheingoldlaw.com>; Jennrak@sbcglobal.net <Jennrak@sbcglobal.net>; Moeller, Michael (SHB)
Sent: Fri Apr 27 18:12:25 2007
Subject: RE: Higgins Documents

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 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

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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

Megan S. Wynne
Morris Polich & Purdy LLP
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Mail Gate made the following annotations on Fri Apr 27 2007 20:04:33

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