

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

In re: Guidant Corp. Implantable  
Defibrillators Products Liability Litigation

MDL No. 05-1708 (DWF/AJB)

This Document Relates to:

*Leopoldo Duron, Jr.*

v. *Case No. 06-cv-25*

*Guidant Corporation, et al.*

**SUPPLEMENTAL AFFIDAVIT OF  
RONALD S. GOLDSER**

STATE OF MINNESOTA )  
  ) ss  
COUNTY OF HENNEPIN)

Ronald S. Goldser, being first duly sworn on oath, hereby deposes and says:

That I am an attorney licensed to practice before this Court, and am a partner at Zimmerman Reed. I make this Supplemental Affidavit in Support of Plaintiffs' Memorandum in Opposition to Defendants' Motion for Summary Judgment on Breach of Warranty (Docket Number 1508).

This Affidavit is made to supplement the record as Plaintiff anticipated in his response to Guidant's motion, and is made pursuant to agreement with Guidant to permit this supplementation. With the Court's permission, Plaintiff herewith submits portions of the deposition of Annika Rosengreen; this deposition was taken May 2, 2007. The

transcript submitted herewith is the rough version of the transcript. The portions submitted are as follows:

Page 37                      Witness testifies that the patient is Guidant's customer;

Pages 82-91                Witness describes the process whereby the warranty on the ICD for each individual patient is registered with Guidant.

These references demonstrate that Guidant has a direct relationship with the patients who receive its devices, in contravention of Guidant's claims that privity is absent.

FURTHER YOUR AFFIANT SAYETH NOT.

Dated: May 14, 2007

s/Ronald S. Goldser  
Ronald S. Goldser

Subscribed and sworn to before me  
this 14th day of May, 2007.

s/Tina M. Olson  
Notary Public