

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

In re: GUIDANT CORP. IMPLANTABLE
DEFIBRILLATORS PRODUCTS
LIABILITY LITIGATION

MDL No. 05-1708 (DWF/AJB)

This pleading relates to:

**PETITION FOR APPOINTMENT OF
WRONGFUL DEATH TRUSTEE
[MN ST § 573.02]**

Case No. 0:06-cv-02789 (DWF/AJB)

**BUD DeSOTO, ERIC SMITH and
ALONZO SMITH, et al.,**

Plaintiffs,

-Against-

GUIDANT CORPORATION, GUIDANT
SALES CORPORATION, CARDIAC
PACEMAKERS, INC. and BOSTON
SCIENTIFIC CORPORATION,

Defendants.

**VERIFIED PETITION OF ALONZO SMITH TO HAVE ERIC SMITH NAMED
WRONGFUL DEATH TRUSTEE PURSUANT TO M.S.A. § 573.02**

Petitioner, Alonzo Smith, makes the following petition for the appointment of a wrongful death trustee for the claim of Helen Louise Howard, pursuant to M.S.A. § 573.02.

1. I, Alonzo Smith, am the biological son of Helen Louise Howard.
2. I petition this Court to appoint Eric Smith, my brother and biological son of Helen Louise Howard, as the wrongful death trustee in the action captioned above. His consent and oath to fulfill his duties as trustee is attached as Exhibit A.
3. My mother, Helen Louise Howard, was born on October 22, 1949, at Oakland,

California. She died on December 5, 2006, while residing at 4274 Deep Creek Road, Fremont, California.

4. My mother's only biological children are myself and my brother, Eric Smith. I am 29 years old and reside at 1325 65th Avenue, Apt. H, Oakland, CA 94621.

5. My brother, Eric Smith, is 33 years old and resides at 4274 Deep Creek Road, Fremont, California.

Date: 6/13/07

Respectfully submitted on behalf of Alonzo Smith:
GILLIN, JACOBSON, ELLIS & LARSEN

By: *Kristin Lucey*
KRISTIN LUCEY
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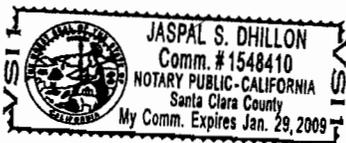
VERIFICATION OF ALONZO SMITH

Dated: 06/15/07

County of ALAMEDA)
)
State of California)

I, Alonzo Smith, swear and affirm that the foregoing information in this VERIFIED PETITION OF ALONZO SMITH TO HAVE ERIC SMITH BE NAMED WRONGFUL DEATH TRUSTEE PURSUANT TO M.S.A. § 573.02 to be true and correct.

Alonzo Smith 06-15-07
Alonzo Smith Date



Witness to my signature:

Jaspal S Dhillon
Notary Public

My commission expires: JAN 29, 2009

EXHIBIT A

2. I hereby take the oath and affirm that I will execute my duties as trustee in the above-captioned case concerning the wrongful death of Helen Louise Howard to the best of my abilities and to act in accord with M.S.A. § 573.02 and the laws of the state of Minnesota and to act in the best interests of all those described in M.S.A. § 573.02 in my handling and pursuit of this case.

Signed by me this 15 day of June, 2007:



Eric Smith

Witness to my signature:



Notary Public

My commission expires: JAN 29, 2009

