

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
THIRD DIVISION**

*In re: Guidant Corp. Implantable
Defibrillators Products Liability Litigation*

§ MDL No. 1708
§ (DWF/AJB)
§

This Document Relates to All Actions

§ **AFFIDAVIT OF TIMOTHY A.
PRATT IN SUPPORT OF
DEFENDANTS' OPPOSITION
TO PLAINTIFFS' MOTION TO
COMPEL PRODUCTION OF
DOCUMENTS FROM ERNST &
YOUNG**
§

STATE OF MISSOURI

) ss

COUNTY OF JACKSON

I, Timothy A. Pratt, being duly sworn under oath hereby state:

1. I make this affidavit upon my own personal knowledge.
2. The Exhibits attached hereto and offered in support of Defendants'

Opposition to Plaintiffs' Motion to Compel Production of Documents From Ernst &

Young are true and correct copies of the following:

- Exhibit A: Documents identified on privilege log provided to Plaintiffs on April 27, 2006; EY 000081 – EY 000088; EY 000166 – EY 000174; EY 000191 – EY 000207
- Exhibit B: *Merrill Lynch & Co., Inc. v. Allegheny Energy, Inc.*; 229 F.R.D. 441, Oct. 26, 2004
- Exhibit C: December 29, 2005 letter from Ernst & Young LLP to Guidant Corporation, Attention: Mr. Keith E. Brauer; EY 000015 – EY 000029

This concludes my affidavit.

/s/ Timothy A. Pratt

Timothy A. Pratt

Subscribed and sworn to before me
This 11th day of July, 2006.

/s/ Deanna M. Robinson
Notary Public, Commission # 05445171
My commission expires: March 2, 2009