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	

APPENDIX A TO
PLAINTIFFS' MEMORANDUM IN OPPOSITION TO
DEFENDANTS' MOTION TO DISMISS THE MASTER COMPLAINT
CLAIMS OF DEVICE RECIPIENT PLAINTIFFS

Appendix A

Master Complaint Allegations Regarding Defects in Guidant Heart Device Models

Model	Master Complaint Allegations
Contact Renewal 1 & 2	¶ 117: "were prone to short-circuiting problems similar to those found in the Ventak Prizm 2 DR 1861." ¶ 127: "In June 2005, Guidant recommended that physicians assess whether to replace the Contak Renewal 1 & 2 devices. September 2005, Guidant recommended that physicians reassess device replacement 'as a result of the increased projected rate of occurrence.[i.e., failure]'"
Contak Renewal 3 & 4	¶ 136: "Guidant has recommended that physicians cease implantation of the Contak Renewal 3 & 4 and use a different product that contains a new switch component. As to currently implanted Contak Renewal 3 & 4 devices, Guidant has recommended that individuals seek medical intervention to switch the magnet off and seek immediate medical attention if the device is emitting audible tones."
Pacemakers	¶ 147: "As a result of defects in manufacturing, Guidant Pacemakers are subject to degradation of a hermetic sealing component. The result is excessive moisture in the pacemaker case, leading to premature battery depletion and failure to function properly." ¶ 153: "In its July 18, 2005 Dear Doctor Letter, Guidant advised doctors to consider replacing the affected Guidant Pacemakers in individuals who depend on the device for survival or to prevent serious health consequences." ¶ 159: "At all times relevant to this action, Guidant knew, and had reason to know, that the Guidant Pacemakers were not safe for the individuals for whom they were prescribed and implanted, because the devices malfunctioned, and therefore failed to operate in a safe and continuous manner, causing serious medical problems and, in certain individuals, catastrophic injuries and deaths."

Model	Master Complaint Allegations
	¶ 167: "At all times relevant to this action, Guidant knew, and had reason to know, that the Guidant Pacemakers were not safe for the individuals for whom they were prescribed and implanted, because the devices malfunctioned, and therefore failed to operate in a safe and continuous manner, causing serious medical problems and, potentially causing catastrophic injuries and deaths."
Insignia & Nexus pacemakers	¶¶ 163-64: Insignia & Nexus pacemakers subject to two failure modes, including a "failure of pacing"
Renewal AVT 3 and 4	¶ 138: "The Renewal AVT 3 and 4 devices are also subject to the same magnetic switch failure as the Contak Renewal 3 & 4 devices."
	¶ 139: "On or before May 2002, Guidant knew that the AVTs were subject to a condition in which a random memory error causes functional 'latching' that limits available therapy."
	¶ 143: "Individuals implanted with AVT devices must undergo medical monitoring to determine whether their device is functioning properly."
Ventak Prizm 2 DR 1861's	¶ 90: "uniformly defective in that they suffer a deterioration of electrical insulation, which will eventually cause the devices to short circuit and fail to function"