

# EXHIBIT B

**From:** Elizabeth Peterson  
**To:** [REDACTED]  
**Date:** 4/26/2006 3:31:32 PM  
**Subject:** Guidant PFS

URGENT: This is an important reminder about your client's cases ([REDACTED]). Cases will be dismissed if Plaintiff Fact Sheets are not timely submitted.

See attached letters.

Thank you  
Elizabeth Peterson  
Zimmerman Reed

**From:** Elizabeth Peterson  
**To:** [REDACTED]  
**Date:** 4/27/2006 10:46:20 AM  
**Subject:** Gudiant PFS

URGENT: This is an important reminder about your client's case [REDACTED]. Cases will be dismissed if Plaintiff Fact Sheets are not timely submitted.

See attached letters.

Thank you  
Elizabeth Peterson  
Zimmerman Reed

---

## GUIDANT PRODUCTS LITIGATION MDL NO. 1708

---

### Lead Counsel Committee

Richard J. Arsenault  
Elizabeth J. Cabraser  
Seth R. Lesser  
Charles S. Zimmerman

---

### Plaintiffs' Liaison Counsel

Charles S. Zimmerman

651 Nicollet Mall, Suite 501  
Minneapolis, Minnesota 55402  
Telephone: (612) 341-0400  
Facsimile: (612) 341-0844

---

### Steering Committee Members

William A. Audet  
Daniel E. Becnel, Jr.  
John R. Climaco  
C. Brooks Cutter  
Lance A. Harke  
Irwin B. Levin  
Richard A. Lockridge  
Ramon R. Lopez  
Tobias L. Millrood  
Stacey L. Mills  
Timothy M. O'Brien  
Paul J. Pennock  
Christopher A. Seeger  
Hunter J. Shkolnik  
Thomas M. Sobol  
Silvija A. Strikis  
Teresa C. Toriseva  
Sol Weiss  
Justin Witkin

April 26, 2006

Address Block

**URGENT: This is an important reminder about your client's case or (cases). Cases will be dismissed if Plaintiff Fact Sheets are not timely submitted**

Dear \_\_\_\_\_:

On January 26, 2006, Judge Donovan Frank issued Pretrial Order No. 2 approving a Plaintiff's Fact Sheet for In re: Guidant Corp. Implantable Defibrillators Products Liability Litigation. Pretrial Order No. 5 laid out the time lines for Plaintiff's to return the Plaintiff's Fact Sheets to the Defendants. Section 12 of this Pretrial Order states that Plaintiff's Fact Sheets were to be turned in "no later than 30 days after the entry of this order" and for cases transferred or filed after this order, 30 days after the filing or docketing date.

We have received the attached letter from Defendant's counsel. As you can see, they are threatening to **dismiss** your client's claims for failure to provide Plaintiff's Fact Sheet **within a week of the letter's date**. While we oppose such a position with the Court, we cannot guarantee that the Court might not agree with the request. Accordingly, we urge you to complete the Plaintiff's Fact Sheet as required by Pretrial Order No. 5 **immediately** and to send them to Jane Bartley from Shook, Hardy & Bacon at:

Jane Bartley  
Shook, Hardy & Bacon LLP  
2555 Grand Boulevard  
Kansas City, MO 64108  
Facsimile: (816) 421-5547

For record purposes we also request that you send a copy to Tina Olson at Zimmerman Reed at:

Tina Olson  
Zimmerman Reed, PLLP  
651 Nicollet Mall  
Suite 501  
Minneapolis, MN 55402  
[tmo@zimmreed.com](mailto:tmo@zimmreed.com)  
Facsimile: (612) 341-0844

We appreciate your timely response as we would like to show a good faith effort to provide both the Court and the Defendants with the necessary information to proceed efficiently with this litigation.

Very truly yours,

ZIMMERMAN REED, PLLP

s/

Charles S. Zimmerman

LIEFF, CABRASER, HEIMANN  
& BERNSTEIN, LLP

s/

Elizabeth J. Cabraser

CSZ:tmo  
enc.

NEBLETT, BEARD & ARSENAULT

s/

Richard J. Arsenault

LOCKS LAW FIRM PLLC

s/

Seth Lesser

**From:** Elizabeth Peterson  
**To:** [REDACTED]  
**Date:** 5/5/2006 12:50:17 PM  
**Subject:** Guidant PFS

[REDACTED]  
Guidant Leadership has got me contacting all the attorneys of the cases that Guidant made motions to dismiss on for lack of PFS to see where everyone is in the process.

I spoke with [REDACTED] and he said that you were doing the PFS for your plaintiff [REDACTED] and also his [REDACTED].

So I am just checking in to see where you were with those PFS and when/if you anticipated getting them to Shook Hardy.

Thanks  
Elizabeth

---

**GUIDANT PRODUCTS LITIGATION  
MDL NO. 1708**

---

**Lead Counsel  
Committee**

Richard J. Arsenault  
Elizabeth J. Cabraser  
Seth R. Lesser  
Charles S. Zimmerman

---

**Plaintiffs' Liaison  
Counsel**

Charles S. Zimmerman

651 Nicollet Mall, Suite 501  
Minneapolis, Minnesota 55402  
Telephone: (612) 341-0400  
Facsimile: (612) 341-0844

---

**Steering Committee  
Members**

William A. Audet  
Daniel E. Becnel, Jr.  
John R. Climaco  
C. Brooks Cutter  
Lance A. Harke  
Irwin B. Levin  
Richard A. Lockridge  
Ramon R. Lopez  
Tobias L. Millrood  
Stacey L. Mills  
Timothy M. O'Brien  
Paul J. Pennock  
Christopher A. Seeger  
Hunter J. Shkolnik  
Thomas M. Sobol  
Silvija A. Strikis  
Teresa C. Toriseva  
Sol Weiss  
Justin Witkin

May 4, 2006

Address Block

**URGENT:**

Dear \_\_\_\_\_:

Today, Guidant moved in numerous cases to dismiss the actions due to the failure to provide Defendants with the Plaintiffs' Fact Sheets ordered by Judge Frank in Pretrial Orders No. 2 and 5. Yours may have been one of the cases. Please moot that motion by providing Shook, Hardy & Bacon with your complete Plaintiff's Fact Sheet as quickly as possible. We will be undertaking to oppose Guidant's motion on a joint basis but unless the fact sheet has been filled out by that time, we are concerned that the Court may order dismissal.

Please send completed Plaintiff's Fact Sheets to:

Jane Bartley  
Shook, Hardy & Bacon LLP  
2555 Grand Boulevard  
Kansas City, MO 64108  
Facsimile: (816) 421-5547

For record purposes we also request that you send a copy to Tina Olson at Zimmerman Reed at:

Tina Olson  
Zimmerman Reed, PLLP  
651 Nicollet Mall  
Suite 501  
Minneapolis, MN 55402  
[tmo@zimmreed.com](mailto:tmo@zimmreed.com)  
Facsimile: (612) 341-0844

Please inform us of any special circumstances concerning your client's case and the Plaintiff's Fact Sheet and please let us know as soon as you send your Plaintiff's Fact Sheet to Shook, Hardy & Bacon. If you do not intend to challenge the motion to dismiss, please let us know that as well.

Very truly yours,

ZIMMERMAN REED, PLLP

s/

Charles S. Zimmerman

LIEFF, CABRASER, HEIMANN  
& BERNSTEIN, LLP

s/

Elizabeth J. Cabraser

CSZ:tmo  
enc.

NEBLETT, BEARD & ARSENAULT

s/

Richard J. Arsenault

LOCKS LAW FIRM PLLC

s/

Seth Lesser



**From:** Elizabeth Peterson  
**To:** [REDACTED]  
**Date:** 5/12/2006 2:45:05 PM  
**Subject:** Guidant Plaintiff Fact Sheet

Mr. Stratton,  
We spoke last week regarding the Plaintiff Fact Sheet for [REDACTED]. I got an update from the Shook Hardy this morning and your client was still on the list for missing PFS. I was just following up to see where you were in completing the PFS.

Copies of the PFS need to be sent to  
Jane Bartley  
Shook, Hardy, & Bacon LLP  
2555 Grand Blvd.  
Kansas City, MO 64108  
Facsimile (816) 421-5547

Elizabeth Peterson  
Zimmerman Reed  
651 Nicollet Mall  
Suite 501  
Minneapolis, MN 55402  
Facisimile (612) 341-0844  
Phone: 612-341-0400

Thank you,  
Elizabeth Peterson

**URGENT . . . This is an important reminder about your client's case (case name).**

On May 4, 2006, the Defense filed 33 Motions to Dismiss for lack of a Plaintiff's Fact Sheet. Your client was listed as one who's Plaintiff's Fact Sheet had not been sent to the Defendant. Since that time, several motions have been withdrawn as Plaintiff's Fact Sheets are turned into the Defense. At the May 16, 2006 status conference the court set a hearing date for those cases with outstanding Plaintiff's Fact Sheets.

If the motion to dismiss has not been withdrawn in your client's case, you need to be aware of the following timeline. Objections to the motion to dismiss are due to the court by June 1, 2006. The Defense has until June 8, 2006 to reply to the filed objections. The oral hearing on the motions to dismiss is set for June 21, 2006 in Minneapolis, MN.

Those still intending to pursue their claim should forward the completed Plaintiff's Fact Sheets and/or signed HIPPA authorizations to:

Jane Bartley  
Shook, Hardy & Bacon LLP  
2555 Grand Boulevard  
Kansas City, MO 64108  
Facsimile: (816) 421-5547

A copy should also be sent to:

Tina Olson  
Zimmerman Reed, PLLP  
651 Nicollet Mall  
Suite 501  
Minneapolis, MN 55402  
Facsimile: (612) 341-0844

	Letter sent	PFS	motion to dismiss	Calls 5/5/2006	Returned calls	Withdrawn	ZR PFS received	5/12/2006 communication
A	4/26/2006	5/5/2006	5/4/2006	fax to			5/5/2006	Faxed copy to Shook Hardy 5/12/06; Emailed asking to forward HIPPA form to Shook Hardy ASAP
B			5/4/2006	on hold per judge		5/24/2006		
C	4/26/2006			on hold per judge ruling			Incomplete PFS	
D	4/26/2006							
E	4/26/2006	5/8/2006	5/4/2006	Contacted 5-06: stated sharing case with - will contact	called back-- plan on filing Monday	5/15/2006		Missing authorization; said will send
F	4/26/2006	5/3/2006		fax to			5/3/2006	
G	4/26/2006			on hold per judge ruling				
H	4/26/2006	4/17/2006	5/4/2006	Forwarded to Def. 5/5/2006		Withdrawal filed 5/8/06	4/17/2006	
I	4/26/2006			fax to				
J	4/26/2006	5/1/2006		fax to			5/1/2006	
K	4/26/2006	5/2/2006					5/2/2006	

L	4/26/2006		5/4/2006	Contacted 5-5-06 via voicemail and email	Contacted Pratt asking to extension to evaluate (pt died)	5/15/2006		Defendants acknowledge Pl. has asked for extension
M	4/26/2006	5/11/2006	5/4/2006	Left message for at to call back	Spoke with will pass along information to ; told to contact Shook Hardy if going to file PFS	5/15/2006		Spook with PFS was faxed and Fed Exed 5/11/06
N	4/26/2006	Dismissed 7/3/2006; Reopened by Court 8/1/6/06	5/4/2006	Forwarded PFS to paralegal to fill out 5-5-06				Emailed update on PFS for progress
O	4/26/2006	5/5/2006	5/4/2006	Spoke with -- filing PFS today will call Shook Hardy to let them know		Withdrawal filed 5/8/06	5/5/2006	

P	4/26/2006	5/16/2006	5/4/2006	<p>Contacted  -- informed of situation, working on getting PFS coordinated with other counsel</p>		5/16/2006	5/16/2006	<p>In meeting, left message for to call me back; cannot get hold of attorneys handling the case; will call back Monday to figure out game plan; spoke with Jane Bartley not to worry til set for hearing-- are currently working on PFS; 5/16/06-- called; PFS being overnighted to Shook Hardy, they knows its coming; copy being faxed to ZR</p>
Q	4/26/2006	5/5/2006-- ID missed 7/3/2006	5/4/2006				5/5/2006	<p>Missing authorization, sent email notifying him of this with HIPPA form attached</p>

R	4/26/2006			fax to			
S	4/26/2006	5/4/2006	5/4/2006	filed 5-4-06-- Shook Hardy will withdraw motion		Withdrawal filed 5/8/06	4/23/2006
T	4/26/2006	Dismissed	5/4/2006	is aware of situation spoke with paralegal and is dealing with it	Spoke with - Plaintiff informed that he had not suffered any injured-- will file a motion not opposing the dismissal	Plaintiff agrees to dismissal per doc filed with court 5/10/06	Court ordered dismissal 5- 12-06
U	4/26/2006	5/18/2006-- Dismissed 7/3/2006	5/4/2006	left message for to call back regarding motion	Working on PFS for filing, will call Shook Hardy to let them know they are working on getting it in ASAP		5/18/2006 5/2/2006
V	4/26/2006						
W	5/1/2006	5/5/2006	5/4/2006	got message machine - left message	Returned call-- being sent to Shook Hardy today-- will call Jane to let her know that it is coming	Withdrawal filed 5/8/06	
X	4/26/2006						

out until  
5/17/06: left  
voicemail with  
attorney  
inquiring  
about status of PFS;  
Returned Call on  
7/5/2006 regarding  
dismissal: told to call  
Shook Hardy to see  
where disconnect  
was, told to file  
motion to vacate  
dismissal ASAP

Y	4/26/2006		5/4/2006	Spoke with -- paralegal dropped ball-- will contact Shook Hardy let them know they are working on it and ask for motion to be withdrawn		5/24/2006		Defendants acknowledge Pl, has asked for extension
Z	4/26/2006							
AA	4/26/2006							
BB	4/26/2006							
CC	4/26/2006							
DD	4/26/2006							
EE	4/26/2006							
FF	4/26/2006							
GG	4/27/2006							
HH	4/27/2006							
II	4/27/2006	5/9/2006	5/4/2006	Left message with paralegal-- - asking where PFS was-- third call for PFS	Spoke with Paralegal , has call into Shook Hardy, need to contact widow for a few sections of PFS	Faxed to Shook Hardy 5/9/06	Withdrawal filed 5/10/06	
JJ	4/27/2006	5/4/2006	5/4/2006	left message with paralegal-- reagarding PFS-- attorney out for the day	working on getting PFS completed-- will call Shook Hardy to update them on situation	Withdrawal filed 5/8/06	5/4/2006	
KK	4/27/2006							

LL	4/27/2006	Dismissed 7/3/2006	5/4/2006	allowing to dismiss				Trying to get contact information from PI of new attorney to transfer case to
MM	4/27/2006	5/5/2006	5/4/2006	Spoke with legal assistant -- said PFS had been filed today	PFS filed in indiv. Case: Def. says no need to file motion to withdraw			Missing HIPPA authorization; left message with ; FAXED AM OF 5/15/06
NN	4/27/2006							
OO	4/27/2006	Dismissed 7/3/2006	5/4/2006		Spoke with -- cannot get Plaintiff to respond to calls, letters, etc			
PP	4/27/2006							5/16/06 spoke with , Dropping
QQ	4/27/2006	Dismissed 7/3/2006	5/4/2006					5/16/06 spoke with , Dropping case
RR	4/27/2006	Dismissed 7/3/2006	5/4/2006	left message to speak with paralegal				5/16/06 spoke with , Dropping case Called Monday 5/15/06 not in, told "should be in tomorrow"; called again 5/16/06 out sick, no one else knows about case; left another message for her to call back
SS	4/27/2006		5/4/2006	Spoke with -- need to call back Monday to speak with who was out of the office today	never in on Fridays Must call on Monday;			
TT	4/27/2006	5/3/2006						
UU	4/27/2006	4/27/2006						



VV	4/27/2006	Dismissed 7/3/2006	5/4/2006	Handled by				Left message with to get back to me: Pl no longer interested in pursuing the claim
WW	4/27/2006	Dismissed 7/3/2006	5/4/2006	Handled by				Left message with to get back to me: Pl working diligently on getting it in, will let me know before Wednesday where it stands
XX	4/27/2006		5/4/2006	Talked with -- said PFS had been sent in		Withdrawal filed 5/8/06		
YY	4/27/2016		5/4/2006	Spoke with - already spoke with Shook Hardy about withdrawing motion		Withdrawal filed 5/10/06		
ZZ	4/27/2006	5/3/2006	5/4/2006	filed 5/3/2006		Withdrawal filed 5/10/06	5/8/2006	
A1	5/5/2006	Dismissed 7/3/2006	5/4/2006	Voice mailbox is full-- faxed a second letter saying case had motion to dismiss and to contact Shook Hardy and Zimm Reed				Faxed third letter asking for update on PFS