

# EXHIBIT D

**From:** Elizabeth Peterson  
**To:** [REDACTED]  
**Date:** 8/1/2006 5:24:22 PM  
**Subject:** In re: Guidant Prod. Lit. Plaintiff Fact Sheet

We have recently received a list of names from Defendant's counsel of Plaintiffs who have missed their deadline to turn in the court ordered Plaintiff Fact Sheet. According to this list you have one or more claims with outstanding PFS. The Defense has indicated that they will move to dismiss these cases if the Plaintiff Fact Sheet is not received in a timely manner.

Please see attached letter for information on where to send your client's Plaintiff Fact Sheet.

Thank you,  
Elizabeth Peterson

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## GUIDANT PRODUCTS LITIGATION MDL NO. 1708

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### Lead Counsel Committee

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

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### Plaintiffs' Liaison Counsel

Charles S. Zimmerman

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

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### Steering Committee Members

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Sol Weiss  
Justin Witkin

August 1, 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 recently received a list of names from Defendant's counsel of Plaintiffs who have missed their deadline to turn in the court ordered Plaintiff Fact Sheet. Defense counsel has stated that they intend to file motions to dismiss for cases with delinquent Plaintiff's Fact Sheet. The above listed case(s) was on the list of cases to dismiss that Defense provided. To avoid this outcome, we urge you to forward your Plaintiff's Fact Sheet to Shook, Hardy & Bacon at the contact information provided below. While we oppose such a position with the Court, we cannot guarantee that the Court might not agree with the request. The Court has dismissed cases in this MDL for failure to provide Plaintiff Fact Sheets in a timely manner. 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  
Phone: (816) 474-6550  
Facsimile: (816) 421-5547

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

Elizabeth Peterson  
Zimmerman Reed, PLLP  
651 Nicollet Mall  
Suite 501  
Minneapolis, MN 55402  
eap@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:** 8/28/2006 12:50:06 PM  
**Subject:** Guidant Motion to Dismiss Pl. [REDACTED]

Mr. [REDACTED]

I am following up with you on your Guidant MDL Plaintiff [REDACTED]. I emailed you previously regarding the missing Plaintiff Fact Sheet for Mr. [REDACTED]. The defense has now filed a motion to dismiss this case for lack of the Plaintiff Fact Sheet (see attached). If you are currently in the process of completing the Plaintiff Fact Sheet please contact Jane Bartley at Shook Hardy, phone: 816-474-6550, to request an extension.

If you are planning on letting the case be dismissed please let me know and I will take you off my follow-up sheet.

Thank you

Elizabeth Peterson

Elizabeth Peterson  
Zimmerman Reed  
651 Nicollet Mall, Ste. 501  
Minneapolis, MN 55402  
(612) 341-0400



	----- fax & email 8/11/2006	refaxed to 8/2/8/2006-- Emailed Telling about motion to dismiss and also asking about			8/22/2006				
G	Fax: -- fax & email 8/11/2006  fax:	8/28/2006-- emailed notice of motion to dismiss and asked for follow-up regarding Plaintiff			8/22/2006				
H	--fax and email 8/11/2006  Fax:								
I	-- faxed and emailed 8/11/2006  Fax:			8/7/2006				8/7/2006	







U		extension until 8/6/2006							
V		extension until 8/6/2006							
W		extension until 8/6/2006							
X	fax:								
Y	no fax or email; mailed letter new fax	8/29/2006-- Dismissal letter sent by regular mail	Letter faxed to Jane; change of address-- asked for extension working on PFS now		8/22/2006		9/25/2006		

Z	Fax: --fax and email 8/1/2006	Letter & email from attorney-- working on getting in		8/8/2006				8/10/2006	
AA	-- fax and email 8/1/2006								
BB	fax and email 8/1/2006								
CC	Fax: - fax and email 8/1/2006			8/7/2006				8/7/2006	
DD	fax: --fax and email 8/1/2006	8/2/8/2006-- Emailed Telling about motion to dismiss and also asking about							
EE	Fax: --fax and email 8/1/2006	Letter & email from attorney-- working on getting in		8/8/2006				8/10/2006	

	fax: --fax and email 8/1/12006						
GG	Fax: - fax and email 8/1/12006						
HH	no fax listed; sent email 8/1/2006						
II	--- fax and email 8/1/12006						
JJ	fax: --fax and email 8/1/12006						
KK	fax: --fax and email 8/1/12006						



PP	Fax:	emailed 8/2/2006-- PFS never finalized; will do so now and forward to Shook Hardy; will call Jane and let her knowew its coming				
QQ	emailed about which office had PFS	Exention until 8/3; emailed 8/1/2006-- handling- - conscious of deadline	8/29/2006-- counsel left voicemail, has tried to contact Jane Bartley, has not responded yet, Pl. ill so PFS difficult to obtain early on, in process of transferring Pl. over to mass tort law firm; 8/29/2006 1 week extenstion granted			
RR	no fax listed; sent email 8/1/2006	8/28/2006-- emailed notice of motion to dismiss and asked for follow-up regarding Plaintiff		8/22/2006	9/7/2006	

