# EXHIBIT E

From: Elizabeth Peterson

To:

**Date:** 9/7/2006 12:31:51 PM

Subject: Guidant Motion to Compel (

#### Counsel:

On September 1, 2006, the Defendants filed a Motion to Compel Production of Completed Plaintiff Fact Sheets and Executed Medical Records Authorization. The motion also requests sanctions in the form the awarding of Defendants' costs and attorneys fees in bringing this motion. **Your clientwas on this list for failure to supply an executed medical records authorization**. Judge Frank has entered an Order relating to this motion to compel. The Order states that plaintiffs shall submit their response to the Motion no later than **September 13, 2006.** 

I have attached the Motion and supporting memo, the Order and a Medical Authorization Sheet.

Accordingly, we urge you to remedy your deficiency immediately and to send it 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

Thank you for you timely response Elizabeth Peterson

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

# 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

September 7, 2006

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

Facsimile: (612) 341-0844

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## URGENT: This is an important update about your client's case (

Dear Counsel:

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 timeline for Plaintiff's to return the Plaintiff's Fact Sheets to the Defendants. These Plaintiff Fact Sheets and Medical Authorizations are court ordered and cases have been dismissed for failure to comply in a timely manner.

On September 1, 2006, the Defendants filed a Motion to Compel Production of Completed Plaintiff Fact Sheets and Executed Medical Records Authorization. The motion also requests sanctions in the form the awarding of Defendants' costs and attorneys fees in bringing this motion. The above named case was on this list. Judge Frank has entered an Order relating to this motion to compel. The Order states that plaintiffs shall submit their response to the Motion no later than **September 13, 2006.** 

Accordingly, we urge you to remedy your deficiencies **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 Phone: (612) 341-0400

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

NEBLETT, BEARD & ARSENAULT

s/

s/

Charles S. Zimmerman

Richard J. Arsenault

LIEFF, CABRASER, HEIMANN

LOCKS LAW FIRM PLLC

& BERNSTEIN, LLP

s/

Elizabeth J. Cabraser

Seth Lesser

CSZ:tmo enc.

s/

	Deficiencies	Contact	Response
	Medical records auth.		Will not provide "blank authorizations", forwarded email,
A	Needed Needed	emailed 9/7/2006	filing opposition motion
	medical records auth. needed	emailed 9/7/2006	Withdrawn 9/11/2006
			responded; already working on
	Medical records auth.		
D in the part of	Needed	emailed 9/7/2006	Motion withdrawn 9/7/2006
		emailed 9/7/2006	
F	Medical records auth. Needed	emailed 9/7/2006	Motion withdrawn 9/11/2006
The property of the property o	Medical records auth. Needed	emailed 9/7/2006	responded; already working on; withdrawn 9/11/2006

	Medical records auth. Needed	emailed 9/7/2006	responded; already working on; withdrawn 9/11/2006
	Medical records auth.	emailed 9/7/2006	Will not provide "blank authorizations", forwarded email, filing opposition motion
<b>J</b>	Medical records auth. Needed	emailed 9/7/2006	responded; already working on; withdrawn 9/11/2006
L	PFS sections and medical records authorization	emailed 9/7/2006	Stipulation to enter deficiencies by 9/27/2006
	PFS sections and medical records authorization	emailed 9/7/2006	9/18/2006 Court order completed PFS and \$1000 sanctions
N	PFS sections and medical records authorization	emailed 9/7/2006	Stipulation to enter deficiencies by 9/27/2006
0	PFS sections and medical records authorization	emailed 9/7/2006	Stipulation to enter deficiencies by 9/27/2006
<u>P</u>	PFS sections and medical records authorization	emailed 9/7/2006; emailed to see what she knows	Dismissing case

Q	PFS sections and medical records authorization	emailed 9/7/2006	Stipulation to enter deficiencies by 9/27/2006
	PFS sections and		
R	medical records authorization	emailed 9/7/2006	Stipulation to enter deficiencies by 9/27/2006
S	PFS sections and medical records authorization	emailed 9/7/2006	Stipulation to enter deficiencies by 9/27/2006
	PFS sections and medical records authorization	emailed 9/7/2006	motion withdrawn 9/7/2006
U	PFS sections and medical records authorization	emailed 9/7/2006	Stipulation to enter deficiencies by 9/27/2006