

**UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF MINNESOTA**

Chambers of  
**DONOVAN W. FRANK**  
DISTRICT JUDGE

Warren E. Burger Federal Building  
and United States Courthouse  
316 North Robert Street, Suite 724  
St. Paul, Minnesota 55101  
(651) 848-1290

October 3, 2008

Seth R. Lesser, Esq.  
Klafter Olsen & Lesser LLP  
1311 Mamaroneck Avenue, Suite 220  
White Plains, NY 10605

**Re: In re: GUIDANT CORP. IMPLANTABLE DEFIBRILLATORS  
PRODUCTS LIABILITY LITIGATION  
MDL No. 05-1708 (DWF/AJB)**

Dear Mr. Lesser:

I write in response to your Objection to the CBAFCC Report that was filed on May 6, 2008. I strongly agree with your concerns regarding the variability of time records and the CBAFCC's lack of appropriate quantitative methodology applied to the committee's proposed allocation.

I request that you supplement your objection with greater specificity, to be filed under seal with the Court. Please provide as many specifics as are in your knowledge and possession.

Thank you for your prompt attention to this matter.

Very truly yours,

s/Donovan W. Frank

**DONOVAN W. FRANK**  
Judge of United States District Court

DWF:rlb