

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

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

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

January 13, 2010

**BY U.S. MAIL & ECF**

Mr. Patrick B. Carey  
2347 Chew Avenue  
Franklinville, NJ 08322

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

Dear Mr. Carey:

I acknowledge receipt of your letter dated November 15, 2009, which is attached as Exhibit A to this letter. I am the district judge assigned to the Multi-District Litigation ("MDL") for most of the Guidant defibrillator cases in the United States. MDL is a procedure utilized in the federal court system to transfer to one federal judge all pending civil cases of a similar type throughout the United States.

Litigation, especially complex litigation involving medical devices, can be very time-consuming, confusing, frustrating, and risky. I can assure you that the Court and the parties have been working diligently during the last few years to arrive at a settlement that compensates claimants based on a number of factors including whether someone's pacemaker/defibrillator was recalled, whether it malfunctioned, and whether it was explanted. Because I do not know the specifics of your situation or what you discussed with your lawyers, I cannot comment specifically on the contents of your letter. I can tell you, however, that you should have received a check from your lawyers from the recent third distribution which occurred at the end of December 2009.

As a sitting United States District Court Judge, I also cannot give you legal advice. If you have any questions about your legal rights, your legal options, or any other questions about the settlement process, I would urge you to consult with your attorneys. I am confident that they can give you specific answers to your questions. If your attorneys cannot provide you adequate information, I urge you to contact Elizabeth Peterson of the Lead Counsel Committee at 612-341-0400.

I am copying Mr. Bell, Ms. Peterson, and Guidant's counsel on this letter so that they are aware of my communication to you.

Mr. Patrick B. Carey  
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Very truly yours,

s/Donovan W. Frank

DONOVAN W. FRANK  
United States District Judge

DWF:rlb  
Attachment

c: Andrew P. Bell, Esq. (by ECF only)  
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