

Authorized by the Ontario Superior Court of Justice
- NOTICE OF CERTIFICATION OF THE GUIDANT PACEMAKER CLASS ACTION –
Read this notice carefully as it may affect your legal rights.

THE CLASS ACTION

This notice is directed to all persons who were implanted in Canada with one or more of the following Guidant pacemakers (the “Patient Class”):

DEVICE FAMILY	MODEL NUMBERS
CONTAK TR	1241
DISCOVERY	1174, 1175, 1273, 1274, 1275
DISCOVERY II	0481, 0981, 1184, 1186, 1187, 1283, 1284, 1285, 1286
INTELIS II	1384, 1385, 1349, 1483, 1484, 1485, 1499
MERIDIAN	0476, 0976, 1176, 1276
PULSAR	0470, 0870, 0970, 0972, 1172, 1272
PULSAR MAX	1170, 1171, 1270
PULSAR MAX II	1180, 1181, 1280
VIRTUS PLUS II	1380, 1480
INSIGNIA AVT DDD	0982
INSIGNIA AVT DR	1292
INSIGNIA AVT SR	1192
INSIGNIA AVT SSI	482
INSIGNIA AVT VDD	882
INSIGNIA ENTRA DDD	0985, 0986
INSIGNIA ENTRA DR	1294, 1295, 1296
INSIGNIA ENTRA SR	1195, 1198
INSIGNIA ENTRA SSI	0484, 0485
INSIGNIA PLUS DR	1297, 1298
INSIGNIA PLUS SR	1194
INSIGNIA ULTRA SR	1190
INSIGNIA ULTRA DR	1290, 1291
NEXUS AVT DDD	1432
NEXUS AVT DR	1492
NEXUS AVT SR	1392
NEXUS AVT SSI	1328
NEXUS AVT VDD	1428
NEXUS ENTRA DDD	1425, 1426
NEXUS ENTRA DR	1466, 1494, 1495
NEXUS ENTRA SR	1395, 1398
NEXUS ENTRA SSI	1325, 1326
NEXUS PLUS DR	1467, 1468
NEXUS PLUS SR	1394
NEXUS ULTRA DR	1490, 1491
NEXUS ULTRA SR	1390

and their family members (the “Family Class”) jointly the (“Class”).

THE CERTIFICATION ORDER

On May 8, 2009, the Ontario Superior Court of Justice certified the action Lambert et al v. Guidant Corporation et al., court file no. 05-CV-295630CP as a class proceeding and appointed Gerard Lambert as the representative plaintiff of the Patient Class and Elsa Ibbitson as the representative plaintiff of the Family Class, defined as family

members who are entitled to assert a claim pursuant to the *Family Law Act* in Ontario or the equivalent legislation in the other provinces and territories. Won J. Kim of Kim Orr Barristers PC and James Newland of Lerner LLP have been appointed as class counsel.

Certification means that the action may proceed to trial as a class action involving, among other things, claims for damages for negligence and conspiracy relating to Guidant’s manufacture and sale of the above pacemakers.

Certification is a preliminary procedural matter and does not involve any finding by the court that the claims, or the allegations of fact on which they are based – including allegations of health risks associated with the pacemakers – have any validity. Guidant denies that the claims against it have merit and intends to defend the action. **This is a legal notice and is not a recall.** Health-related decisions with respect to any of the pacemakers should be made after consultation with your physicians and other health-care professionals, and not because of the existence of the class action or its certification.

COSTS TO THE CLASS OF THE ACTION

Counsel have entered into an agreement with the representative plaintiffs with respect to legal fees and disbursements. The agreement provides that Counsel will not receive payment for their work unless and until the class action is successful or costs are received from the defendants.

The agreement, which requires court approval, provides that the Class will pay to Counsel a contingency fee plus disbursements plus taxes.

The plaintiffs may seek financial support from the Class Proceedings Fund. If they are awarded financial support and if the class action is successful, the Class will also pay to the Class Proceeding Fund a 10% levy of any award or settlement funds plus the amount of any financial support it paid.

As a member of the Class, who is not a representative plaintiff, you will not be required to pay any costs in the event that the class action is unsuccessful.

DO NOTHING IF YOU WANT TO PARTICIPATE IN THE CLASS ACTION

Members of the Class who want to participate in the class action are automatically included and need not do anything at this time.

YOU MUST OPT OUT IF YOU DO NOT WANT TO PARTICIPATE IN THE CLASS ACTION

Members of the Class who do not want to participate in the class action must opt out. **If you want to opt out of the class action, you must send a written, signed election, including your name, address, telephone number to:** Deloitte & Touche LLP, Brookfield Place, 181 Bay Street, Suite 1400, Toronto, Ontario, M5J 2V1.

Attention: Guidant Class Action or fax to (416) 366-1102 or by email to guidant@deloitte.ca.

No Class Member will be permitted to opt out of the class action unless the election to opt out is **received by Deloitte & Touche LLP by May 17, 2010 at 5:00 p.m. E.T.**

Each member of the Class who does not opt out of the class action will be bound by the terms of any judgment or settlement whether favourable or not and will not be allowed to prosecute an independent action. If the class action is successful, he or she may be entitled to share in the amount of any award or settlement recovered. In order to determine if you are entitled to share in the award or settlement and the amount, if any, of your share, it may be necessary to conduct an individual determination. You may be responsible for the costs of your individual determination. You will have the opportunity to decide if you wish to proceed with your individual determination before it begins.

No person may opt out a minor or a mentally incapable member of the Class without permission of the court after notice to The Children's Lawyer and/or the Public Guardian and Trustee, as appropriate.

The family members of any member of the Patient Class who opts out will be deemed to have opted out.

If a member of the Patient Class is deceased, his or her estate trustee has the right to opt out.

A member of the Class who opts out will not be entitled to participate in the class action. His or her right to pursue a claim in a separate proceeding will not be affected.

ADDITIONAL INFORMATION

This Notice was approved by the Ontario Superior Court of Justice. The court offices will be unable to answer any questions about the matters in this Notice. The certification order and other information are available on the web site www.kimorr.ca or by calling (416) 596-1414. Questions for class counsel should be directed by email or telephone to: (416) 596-1414, by email to mbm@kimorr.ca or by mail to Kim Orr Barristers PC, 200 Front St. W., 23rd Floor, Toronto, Ontario, M5V 3K2, attention Megan B. McPhee

OPT-OUT FORM

I do not want to be included in the class action relating to Guidant pacemakers. I want to **opt out (be excluded from)** this class action. My information is as follows:

Print Name	_____	Date of birth:	_____
Address:	_____	City:	_____
Province:	_____	Postal Code:	_____
Telephone:	_____	Email address:	_____
Date:	_____	Signature:	_____