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# Guidant trial over devices set for July

## Legal arguments in federal court Friday offered a mini-preview of the Guidant defibrillator trial.

**By Janet Moore,** Star Tribune

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A lawsuit alleging that Guidant Corp. hid potentially dangerous flaws in several models of popular heart defibrillators is expected go to trial July 30.

Guidant, which was bought by Boston Scientific Corp. for $27 billion last year, recalled more than 300,000 implantable cardioverter defibrillators (or ICDs) and pacemakers, mostly in 2005. At least seven people have died because of flawed products.

Since then, more than 1,400 suits have been filed by aggrieved patients. Most of them have been combined into one case in U.S. District Court in Minnesota. The former Guidant operations in Arden Hills, where the devices are made, employ about 3,000 people.

Before the case goes to trial, however, attorneys for the company and the plaintiffs argued several motions before Judge Donovan Frank in Minneapolis on Friday. The arguments between opposing lawyers gave a good indication of what's likely to come in July.

Frank heard arguments over whether a patient, California resident Leopoldo Duron, who had a defective ICD device replaced, can proceed with his suit and seek punitive damages over the company's conduct. Defibrillators are devices implanted in the chest that restore a heart's normal rhythm with electric shocks.

Nicholas Drakulich, an attorney representing patients, argued that Guidant hid problems with its defibrillators for years in an effort to boost profits. Guidant officials knew as early as June 2002 that a specific ICD model had the tendency to short-circuit, but waited three years before informing physicians and the public.

"We must strive to be money hungry" in selling the defibrillators, Guidant marketing executives said in an internal document Drakulich quoted during Friday's hearing.

The recalls by Guidant, and of some ICDs made by rival Medtronic Inc., led to a sharp downturn in sales of the $30,000 devices. In a separate case, Fridley-based Medtronic faces more than 900 suits from aggrieved patients. Several of Medtronic's lawyers attended the Guidant hearing on Friday.

Timothy Pratt, lead counsel for Guidant, said the type of defibrillator involved in Duron's case has been linked to 3 deaths and 3 serious injuries. Still, the device's failure rate is

only one in 1,000, he told the judge.

"This device under attack in this courtroom happens to be one of the most reliable" defibrillators ever marketed, Pratt said.

Drakulich said studies in the 1970s on polyimide, insulation used in Duron's defibrillator, showed the material didn't stand up well to heat and humidity. Because the devices are implanted in patients' bodies, the risks of short-circuits were evident, he added.

Duron was not harmed by his Guidant device, which was surgically removed in 2005, three years after it was implanted in his chest.

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