

APPENDIX "A"

NOTICE OF CLASS ACTION INVOLVING MEDTRONIC PACEMAKER LEADS

JAMES HOY AND ANDREW STEEDS

v.

MEDTRONIC INC. AND MEDTRONIC OF CANADA LTD.

Supreme Court of British Columbia, Vancouver Registry No. M000047

Introduction

The Supreme Court of British Columbia has certified a class proceeding. You are receiving this notice because it has been determined that you may be a member of the class.

The class consists of:

All persons resident in Canada implanted with Medtronic pacemaker Pacing Lead Models 4004/4004M and 4012 (the "Leads"), who have not executed releases in favour of one or both of the Defendants in relation to the functioning of the Leads.

These Leads were implanted between August 1983 and October 1993.

This lawsuit relates to Medtronic model 4012 and model 4004 pacemaker leads. You are being given this notice because you either now have or have in the past had one of these Leads implanted as part of your pacemaker system.

The allegations made in the lawsuit relate to the quality and durability of the insulation component of the relevant Leads. Those concerns have been the subject of health safety advisories and related communications issued to health care providers by Medtronic since 1991 regarding the 4012 Lead and since 1993 regarding the 4004 Lead.

The certification of a lawsuit at this time is not necessarily an indication that there is any new difficulty or risk associated with either of these Lead models.

If you are participating in the monitoring and follow-up program recommended by your physician, there is no reason to be concerned about this lawsuit from a health care point of view.

What is the Case About?

On January 6, 2000, James Hoy commenced a class action against the Medtronic Inc. and Medtronic of Canada Ltd. (collectively, "Medtronic"). Mr. Hoy alleges that Medtronic was negligent in manufacturing and distributing the Leads, as the Leads are prone to premature deterioration. Medtronic denies these allegations and is defending the action.

On September 27, 2001, the Supreme Court of British Columbia ruled that this action may proceed as a class action and that James Hoy and Andrew Steeds may act as representative plaintiffs in the class action. Mr. Hoy will be the representative of class members in B.C. Mr. Steeds will be the representative for class members resident outside B.C.

How Will the Case Proceed?

The class action has two stages. The first stage is the resolution of the common issues. A list of the common issues is available from Branch MacMaster, and can be found on their website www.branmac.com/Pages/pacemaker.html.

If these common issues are resolved in favour of the class, at the second stage the court will determine what further steps class members need to take to find out if they are entitled to recover any damages, and in what amount. The second stage is called the individual issues stage. Depending on your claim, the individual issue stage may require a trial or something less than a trial to determine what money, if any, you are entitled to receive.

Who are the Lawyers for the Class and How do I Find out More?

The lawyers for the class are Branch MacMaster. Class members who wish to know the status of the class action or to review background information on the case should monitor Branch MacMaster's website at www.branmac.com/Pages/pacemaker.html.

The representative plaintiffs will instruct the lawyers for the class during the common issues stage. The lawyers must act in the interests of all class members. If a class member wishes to participate on his or her own behalf at the common issues stage of the proceeding, he or she must make an application to the British Columbia Supreme Court.

Do I Need to Pay Anything?

You do not need to pay any legal fees out of your own pocket.

If the common issues stage of the case is successful, the fees payable to the lawyers for the class will be paid out of any judgment, and will not be paid directly by class members.

Any fee paid to lawyers for the class is subject to approval of the court. The representative plaintiffs have entered into a fee agreement with the lawyers for the class that provides for the lawyers to be paid 30-35% of a settlement or favourable judgment, depending on the stage of the proceeding at which the case is resolved. If and when this occurs, the lawyers will apply to court for approval of a fee that is consistent with the terms of this agreement, or some lesser amount. The court will decide what amount is fair.

Branch MacMaster will assist class members with valid claims at the individual issues stage at no additional charge beyond the court approved fee discussed above, although class members are at liberty to retain their own counsel at this stage should they so desire.

If the class loses the case on the common issues, class members are not responsible for the fees of any of the lawyers involved in the case.

If You Receive This Notice From Your Physician or Pacemaker Clinic

If you receive this notice from your physician or pacemaker clinic, your time for opting into or out of the class is the later of September 30, 2002 or 60 days after the day on which you receive this notice.

**If you have any questions regarding this notice, please see
Branch MacMaster's website at www.branmac.com or contact
Branch MacMaster at (604) 654-2952 or by email to cbarzo@branmac.com.**

APPENDIX "B"

[TO BE PRINTED ON MEDTRONIC OF CANADA LTD. LETTERHEAD]

Dear Doctor or Pacemaker Clinic Director:

As you may know, the British Columbia Supreme Court has certified a class proceeding regarding Medtronic Model 4004 and 4012 pacemaker leads.

We enclose with this letter a copy of the certification notice approved by the court for distribution to class members (the "Notice").

We will be forwarding the Notice directly to each individual who has ever received 4004 or 4012 pacemaker leads and whose name appears in our records. However, we know that our database of patients is incomplete for reasons beyond our control. For example, patients may have changed their addresses without notifying us.

Accordingly, we ask that you please attempt to bring this Notice to the attention of patients in your care who currently have or previously have had either a 4004 or 4012 lead implanted in them.

Specifically, please provide any affected patients in your care with a copy of the Notice at their next pacemaker clinic visit. Special arrangements will be made to accommodate any patient who first hears of the certification of the lawsuit by notification in this fashion.

If you wish to receive additional copies of the Notice, please feel free to contact the undersigned who will provide them to you.

Yours truly,

APPENDIX "C"

[endorsement to Notice disseminated pursuant to paragraph 9(b) of certification order]

If You Receive This Notice From Your Physician or Pacemaker Clinic

If you receive this notice from your physician or pacemaker clinic, your time for opting into or out of the class is the later of October 31, 2002 or 60 days after the day on which you receive this notice.

V6Z 1S4

NO. M000047
VANCOUVER REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

JAMES HOY

PLAINTIFF

AND:

**MEDTRONIC, INC. and MEDTRONIC OF CANADA
LTD.**

DEFENDANTS

ORDER

BRANCH MACMASTER
Barristers & Solicitors
1210 - 777 Hornby Street
Vancouver, B.C.
V6Z 1S4

(File No. P01-001)

 **West Coast**
Q 30/4