

INFUSE BREAKING NEWS

Volume 1

Attorney-Client Confidential Communication

Spring 2014

As you may have heard, it was announced that Medtronic recently reached a settlement with a law firm on over 900 cases for \$22 Million.

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First, this was not our firm and this does not involve your case. While it is positive that Medtronic has decided to settle some cases, the average settlement works out to less than \$25,000 per case.

There is no question that these cases (including yours) must run a gauntlet of serious defenses just to make it to a trial. This includes federal preemption which could dismiss these cases altogether. Ultimately, the U.S. Supreme Court might have to decide this issue and that could take years.

We have fought hard on preemption and have filed cases in a variety of jurisdictions to attempt to combat this. We have now opposed 33 motions to dismiss. Hundreds more will be filed against us. Individual judges around the country have issued differing opinions on preemption. We have had success in keeping the fraud claims alive, but most of the negligence and product liability claims have been preempted. Yet the battle doesn't end there.

Six of our cases have already been dismissed after we survived preemption and likely there will be more dismissed in the future. Even where we have succeeded on surviving preemption on our fraud claims, most of the judges' decisions require that the treating surgeon give an opinion that he or she was misled by Medtronic on the risks of using Infuse in your surgery. If your surgeon won't speak to us or provide enough detail on fraud then the case may be dismissed.

As we have said all along, we can't control results, but we can control our commitment to work hard and be tenacious advocates for you. If settlement options present themselves, we will evaluate all possibilities for you. No settlement of your case will ever take place without your ability to opt in or out.

Thank you for allowing us to be of assistance to you and extending us the honor and privilege of representing you and your family members. We will keep you updated.

Sincerely,

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Branch Law Firm and Goldenberg Law

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