

THE NATIONAL POST

Ontario Superior Court allows class action against Guidant to proceed

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April 16, 2008 - Class-action law firms Sutts, Strosberg and Lerner won a major legal squirmish when Ontario Superior Court Justice Maurice Cullity gave the green light to their suit against medical device-maker Guidant Corp., now part of Boston Scientific. The Ontario-based law firms sued Guidant over its line of defibrillators, known as ICDs, claiming the firm knew that defects increased the risk that the device could fail. Parallel U.S. litigation resulted in a settlement of US\$240-million in 2007. The Canadian claim alleges the company implemented changes to certain ICDs to correct the problems, but continued to sell uncorrected devices still in inventory. It alleges Guidant did not warn patients and doctors about the defects in their most popular ICD until three years after they were first discovered. The law firms say the lawsuit involves 1,992 class members.

