

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

In re: GUIDANT CORP. IMPLANTABLE
DEFIBRILLATORS PRODUCTS LIABILITY
LITIGATION

MDL No. 05-1708 (DWF/AJB)

This Document Relates to:

ORDER

Clinton Thacker, George Pollack,, Roger
Holiday, Richard Leslie, and Ralph Elste,
Individually and on behalf of all similarly
situated plaintiffs,

Plaintiffs,

v. Civil No. 06-1047 (DWF/AJB)

Guidant Corporation and Guidant Sales
Corporation,

Defendants.

(as to Plaintiff Holiday)

Daniel E. Beenel, Jr., Esq., Law Offices of Daniel E. Becnel, Jr.; and Ronald S. Goldser,
Esq., Zimmerman Reed, PLLP, counsel for Plaintiffs.

Timothy A. Pratt, Esq., and Jeffrey S. Nelson, Esq., Shook Hardy & Bacon LLP; and
Joseph M. Price, Esq., Faegre and Benson, counsel for Defendants.

Guidant filed a Motion to Compel Production of Completed Fact Sheets and Executed Medical Record Authorizations (MDL No. 05-1708 (DWF/AJB), Doc. No. 548) on September 1, 2006. Guidant did not request oral argument. On September 6, 2006, the Court ordered Plaintiff Roger Holiday to submit an opposition to Guidant's Motion no later than September 13, 2006. *See* MDL No. 05-1708 (DWF/AJB), Doc. No. 562.) On September 8, 2006, Holiday filed a Motion for an Order Voluntarily Dismissing Plaintiff Without Prejudice because he "no longer seeks to prosecute his claim against Defendants." *See* Civ. No. 06-1047 (DWF/AJB), Doc. No. 13.

Pursuant to Rule 41 of the Federal Rules of Civil Procedure and based on Holiday's Motion and the record before the Court, **IT IS HEREBY ORDERED** that:

1. Holiday's Motion for an Order Voluntarily Dismissing Plaintiff Without Prejudice (Doc. No. 13) is **GRANTED**.
2. Holiday's Complaint (Doc. No. 1) is **DISMISSED WITHOUT PREJUDICE**.
3. Each party is to bear its own costs.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: September 14, 2006

s/Donovan W. Frank
DONOVAN W. FRANK
Judge of United States District Court