

**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:

Marylou Armuth, individually and as Representative of the Estate of Charles Armuth, deceased; John A. Backlund, individually and as Representative of the Estate of Betty Backlund, deceased; Kimberly Bailey; James Baker; Melita Bena, individually and as Representative of the Estate of Lawrence Bena; Jerri Ceccareilli; Orami Coleman; Patsy Crisan, individually and as Representative of the Estate of Robert Crisan; Donald Dobbs; Eugene Fezi; Charles Gaumer; William Hines; Theodore Holl; Mitchell Allen Huston; Patrick Kelly; William Lauenroth; Teresa H. Lee, individually and as Representative of the Estate of William Lee; Billie Lichti; Richard Schmidt; Frank Stewart; and Frank Rocha,

Plaintiffs,

v. Civil No. 07-08 (DWF/AJB)

Guidant Corporation; Guidant Sales Corporation; Cardiac Pacemakers Inc.; Devices for Vascular Intervention, Inc.; Heart Rhythm Technologies, Inc.; Origin Medsystems, Inc.; Minimally Invasice Systems Group; and Boston Scientific Corporation,

Defendants.

**ORDER FOR DISMISSAL
WITHOUT PREJUDICE**

(as to Plaintiffs Marylou Armuth, individually and as Representative of the Estate of Charles Armuth, deceased; Orami Coleman; Patsy Crisan, individually and as Representative of the Estate of Robert Crisan; William Hines; Mitchell Allen Huston; Teresa H. Lee, individually and as Representative of the Estate of William Lee; Billie Lichti; and Richard Schmidt's claims against; Frank Stewart; and Frank Rocha only)

Plaintiffs Marylou Armuth, individually and as Representative of the Estate of Charles Armuth, deceased; Orami Coleman; Patsy Crisan, individually and as Representative of the Estate of Robert Crisan; William Hines; Mitchell Allen Huston; Teresa H. Lee, individually and as Representative of the Estate of William Lee; Billie Lichti; and Richard Schmidt, by and through their counsel, filed a Notice of Voluntary Dismissal Without Prejudice on April 26, 2007 (MDL 05-1708 (DWF/AJB), Doc. No. 1645)¹ pursuant to Federal Rule of Civil Procedure 41 with respect to their claims against Defendants Guidant Corporation; Guidant Sales Corporation; Cardiac Pacemakers, Inc.; Devices for Vascular Intervention, Inc.; Heart Rhythm Technologies, Inc.; Origin Medsystems, Inc.; Minimally Invasive Systems Group; and Boston Scientific Corporation. After consideration of the submissions and review of the procedural history of the file,

IT IS HEREBY ORDERED:

¹ Plaintiffs filed their Notice of Voluntary Dismissal only in the master case MDL 05-1708 (DWF/AJB). They should have filed their Notice of Voluntary Dismissal in both the original case 07-08 (DWF/AJB) and the master case MDL 05-1708 (DWF/AJB).

1. Plaintiffs Marylou Armuth, individually and as Representative of the Estate of Charles Armuth, deceased; Orami Coleman; Patsy Crisan, individually and as Representative of the Estate of Robert Crisan; William Hines; Mitchell Allen Huston; Teresa H. Lee, individually and as Representative of the Estate of William Lee; Billie Lichti; and Richard Schmidt's claims against Defendants Guidant Corporation; Guidant Sales Corporation; Cardiac Pacemakers, Inc.; Devices for Vascular Intervention, Inc.; Heart Rhythm Technologies, Inc.; Origin Medsystems, Inc.; Minimally Invasive Systems Group; and Boston Scientific Corporation, expressed in the Complaint (Civil No. 07-08 (DWF/AJB), Doc. No. 1) are **DISMISSED WITHOUT PREJUDICE**.

2. Each party to bear its own costs.

LET JUDGMENT BE ENTERED ACCORDINGLY WITH RESPECT TO PLAINTIFFS MARYLOU ARMUTH, INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF CHARLES ARMUTH, DECEASED; ORAMI COLEMAN; PATSY CRISAN, INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF ROBERT CRISAN; WILLIAM HINES; MITCHELL ALLEN HUSTON; TERESA H. LEE, INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF WILLIAM LEE; BILLIE LICHTI; AND RICHARD SCHMIDT ONLY.

Dated: April 30, 2007

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