

**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:

Irmajean Camerlengo, Kenneth Carroll,
Curtis D. Casto, Roderick Ann Casto, Donato
Cornacchione, Charles H. Crouch, Helen
Crouch, Marshall Benson Dye, Pamela
Elswick, James Herndon Foster, Vickie
Foster, James N. Freliche, Hyong Freliche,
Peggy Fuhrman, James Fuhrman, Guillermo
Garcia, Yolanda Garcia, William D. Gibson,
Retha C. Kirby, Benedict Kirby, James L.
McMillon Frances McMillon, Charles A.
Mowery, Inice Mowery, Jenny O'Neill,
Charlie O'Neill, Dennis Parks, Manuel D.
Rodriguez, Minerva Rodriquez, Roy Willard
Sales, Deborah Sales, Thomas Spencer,
Albert D. Van Atta, Picita Vandzura,
Ramon E. Vasquez, Carmen Vasquez,
John W. Willey, Doris Lee Willey, and
Dorothy Van Atta,

Plaintiffs,

v. Civil No. 07-1046 (DWF/AJB)

Guidant Corporation; Guidant Sales
Corporation; Cardiac Pacemakers, Inc.; and
Boston Scientific Corporation,

Defendants.

(as to Plaintiffs Charles Mowery and Inice
Mowery only)

**ORDER FOR DISMISSAL
WITHOUT PREJUDICE**

Plaintiffs Charles Mowery and Inice Mowery, by and through their counsel, filed a Notice of Dismissal Without Prejudice on April 18, 2007 (MDL No. 05-1708 (DWF/AJB), Doc. No. 1598; Civil No. 07-1046, Doc. No. 4) pursuant to Federal Rule of Civil Procedure 41 with respect to their claims against Defendants Guidant Corporation, Guidant Sales Corporation, Cardiac Pacemakers, Inc., and Boston Scientific Corporation. After consideration of the submissions and review of the procedural history of the file,

IT IS HEREBY ORDERED:

1. Plaintiffs Charles Mowery and Inice Mowery's claims against Defendants Guidant Corporation, Guidant Sales Corporation, Cardiac Pacemakers, Inc., and Boston Scientific Corporation expressed in the Complaint (Civil No. 07-1046 (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 CHARLES MOWERY AND INICE MOWERY ONLY.

Dated: April 20 2007

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