

**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, Jenny O'Neill,
Charlie O'Neill, Dennis Parks, Manuel D.
Rodriguez, Minerva Rodriquez, Roy Willard
Sales, Deborah Sales, Thomas Spencer,
Albert D. Van Atta, Dorothy Van Atta, Picita
Vandzura, Ramon E. Vasquez, Carmen
Vasquez, John W. Willey, and Doris Lee
Willey,

Plaintiffs,

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

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

Defendants.

(as to Plaintiff Marshall Benson Dye only)

**ORDER FOR DISMISSAL
WITHOUT PREJUDICE**

Plaintiff Marshall Benson Dye, by and through his counsel, filed a Notice of Dismissal Without Prejudice on April 26, 2007 (MDL No. 05-1708 (DWF/AJB), Doc. No. 1643; Civil No. 07-1046, Doc. No. 7) pursuant to Federal Rule of Civil Procedure 41 with respect to his 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. Plaintiff Marshall Benson Dye'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 PLAINTIFF MARSHALL BENSON DYE ONLY.

Dated: April 30, 2007

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