

**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:

Ford D. Smith and Nelda M. Smith,

Plaintiffs,

v. Civil No. 07-1734 (DWF/AJB)

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

Defendants.

(as to Plaintiff Nelda M. Smith only)

**ORDER FOR DISMISSAL
WITHOUT PREJUDICE**

This matter is before the Court upon Plaintiff Nelda M. Smith's Notice of Rule 41(a)(1) Dismissal of Loss of Consortium Claim (Count XIII) filed by counsel for Plaintiff Nelda M. Smith on April 23, 2007 (MDL No. 05-1708 (DWF/AJB), Doc. No. 1626; Civil No. 07-1734 (DWF/AJB), Doc. No. 3). After consideration of the submissions and review of the procedural history of the file,

IT IS HEREBY ORDERED:

1. Plaintiff Nelda M. Smith's claims against Defendants Guidant Corporation; Guidant Sales Corporation; Cardiac Pacemakers Inc.; and Boston Scientific Corporation,

expressed in the Complaint (Civil No. 07-1734 (DWF/AJB), Doc. No. 1) are

DISMISSED WITHOUT PREJUDICE.

3. Each party to bear its own costs.

**LET JUDGMENT BE ENTERED ACCORDINGLY WITH RESPECT TO
PLAINTIFF NELDA M. SMITH ONLY.**

Dated: April 30, 2007

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