

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MINNESOTA

Chambers of
DONOVAN W. FRANK
DISTRICT JUDGE

Warren E. Burger Federal Building
316 North Robert Street, Room 738
St. Paul, Minnesota 55101
(651) 848-1290

May 25, 2007

BY U.S. MAIL & ECF

Patrick J. Mulligan, Esq.
Eric N. Roberson, Esq.
Reid Stewart, Esq.
The Law Office of Patrick J. Mulligan, PC
2911 Turtle Creek Blvd., Suite 900
Dallas, TX 75219

Re: *Pamela Barber, Nancy Boozer, et al. v. Guidant Corporation, et al.*
Civil No. 07-2407 (DWF/AJB)
AND
Nancy Boozer v. Guidant Corporation, et al.
Civil No. XX-XXXX (DWF/AJB)

Dear Messrs. Mulligan, Roberson, and Stewart:

On May 22, 2007, you filed a Complaint by Adoption on behalf of Nancy Boozer, among others. The Complaint states that Nancy Boozer is a citizen and resident of Clarkskill, South Carolina, and on November 19, 2001, was implanted with Guidant Device Model #1861, Serial #214711 at University Hospital in Augusta, Georgia. On May 23, 2007, the District of Minnesota Clerk's Office received a Complaint from you to be filed also on behalf of Nancy Boozer. This Complaint states that Nancy Boozer is a citizen and resident of McCormick County, South Carolina, and on November 19, 2001, was implanted with Guidant Device Model #1861, Serial #214711 at University Hospital in Augusta, Georgia.

Through this letter, I am giving you the chance to respond in writing to explain the situation comprising the dual filings and whether one of the two cases should be and/or will be withdrawn. Please respond within one week of receipt of this letter. You may send your response in writing (316 North Robert Street, St. Paul, Minnesota 55101); by fax (651-848-1292); or by e-mail (frank_chambers@mnd.uscourts.gov).

I am electronically filing a copy of this letter so that Plaintiffs' Lead Counsel and Guidant's attorneys will receive a copy of this letter. By this letter, I am also giving those attorneys one week to support or oppose any position by electronically filing their statement and mailing a copy of their statement to you.

Messrs. Mulligan, Roberson, and Stewart

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After I receive the responses, I will determine the appropriate course of action based on the papers submitted or schedule a telephone conference to discuss the filings.

Very truly yours,

s/Donovan W. Frank

DONOVAN W. FRANK

Judge of United States District Court

DWF:rlb

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