

**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:

Kimberly Bailey, James Baker, Lawrence Bena, by and through Melita Bena, his successor in interest, Jerri Ceccarelli, Donald Dobbs, Eugene Fezi, Charles Gaumer, Theodore Holl, Patrick Kelly, William Lauenroth, 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 Invasive Systems Group, and Boston Scientific Corporation,

Defendants.

**ORDER FOR SUBSTITUTION  
OF PRO SE FOR ATTORNEY  
OF RECORD**

---

Robert G. Simpson, Esq., Reiner, Simpson, Timmons & Slaughter LLP, counsel for Plaintiffs.

Dana N. Gwaltney, Esq., and Sara J. Romano, Esq., Shook Hardy & Bacon LLP, counsel for Defendants.

---

On May 15, 2007, Plaintiff Kimberly Bailey's counsel filed a Substitution of Attorney in *Per Se* (MDL Do. 05-1708 (DWF/AJB), Doc. No. 1768; Civil No. 07-08, Doc. No. 7), which the Court construed as a request to substitute Kimberly Bailey *pro se* as attorney of record in place of The Law Offices of Reiner, Simpson, Timmons & Slaughter (hereinafter "Simpson"). Both Bailey and her counsel signed the Substitution. On May 16, 2007, the Court sent a letter to Bailey giving her, along with Simpson and Plaintiffs' Lead Counsel and Guidant's attorneys, the opportunity to respond in writing to the request within one week of receiving the Court's letter. On May 17, 2007, Simpson provided the Court notice that he had forwarded the Court's May 16, 2007 letter to Bailey, and on May 22, 2007, Simpson provided the Court further notice that confirmation had been received from Federal Express that the Court's letter was delivered to Bailey on May 18, 2007. Neither Bailey nor Plaintiffs' Lead Counsel or Guidant's attorneys submitted a response.

Based on a review of the file and the submissions of the parties, **IT IS HEREBY ORDERED** that:

1. Plaintiff Kimberly Bailey's request for a Substitution of Attorney in *Per Se* (MDL No. 05-1708 (DWF/AJB), Doc. No. 1768; Civil No. 07-08 (DWF/AJB), Doc. No. 7)) is **GRANTED**.

2. Simpson shall confer with Guidant to confirm if there are any outstanding discovery issues related to Bailey's case, including but not limited to, the completion of a Plaintiff's Fact Sheet. If there are any outstanding discovery deficiencies, Simpson shall provide Bailey with copies of documents relating to those deficiencies and explain when the deficiencies need to be answered by Bailey or her new counsel.

3. Simpson shall inform Bailey of the substance of this Order (by U.S. Mail) and provide her with the contact information for Guidant and the Plaintiff's Lead Counsel Committee. Simpson shall also provide Bailey, or her new counsel, with her file and all case documents, at no cost to her.

4. Simpson shall provide Guidant and the Plaintiff's Lead Counsel Committee with Bailey's current contact information, including mailing address, telephone numbers, and e-mail address.

5. Kimberly Bailey shall be substituted *pro se* as attorney of record in place of The Law Offices of Reiner, Simpson, Timmons & Slaughter. Bailey is encouraged to seek new counsel. If she cannot afford to do so, the Court encourages her to investigate the possibility of a volunteer attorney service in her area.

6. The Clerk of Court shall mail a copy of this Order to Kimberly Bailey at 745 Court Street, Elko, Nevada 89801.

Dated: May 29, 2007

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