

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

June 4, 2007

BY U.S. MAIL & ECF

Hunter Shkolnik, Esq.
Rheingold, Valet, Rheingold,
Shkolnik & McCartney LLP
113 E. 37th Street
New York, New York 10016

Jason A. Itkin, Esq.
Caj D. Boatright, Esq.
Arnold & Itkin LLP
5 Houston Center
1401 McKinney Street, Suite 2550
Houston, Texas 77010

Re: *Julia Cowdrey and Timothy Cowdrey v. Guidant Corporation, et al.*
Civil No. 07-2362 (DWF/AJB)
AND
Julia Cowdrey v. Guidant Corporation
Civil No. XX-XXXX (DWF/AJB)

Dear Mr. Shkolnik, Mr. Itkin, and Mr. Boatright:

The Court is in receipt of both of your responses, dated June 1, 2007. Although Arnold & Itkin LLP concedes that the Complaint by Adoption filed by Mr. Shkolnik was filed before the Complaint sent for filing by Mr. Itkin, and concedes that Ms. Cowdrey's contract with Rheingold, Valet, Rheingold, Shkolnik & McCartney LLP was in effect before she signed a contract with Arnold & Itkin LLP, it appears at this time that there is still a dispute as to who is representing Julia Cowdrey. Upon receipt of this letter, the Court directs both counsel to forward this letter to Ms. Cowdrey.

Through this letter, I am giving both Mr. Shkolnik and Mr. Itkin the chance to respond in writing to explain who is representing Ms. Cowdrey, and whether one of the two cases should be and/or will be withdrawn.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). If you agree that the second case sent for filing by Mr. Itkin should be withdrawn, it is agreeable to the Court to have all attorneys (including attorneys from both Rheingold, Valet, Rheingold, Shkolnik & McCartney LLP, Arnold & Itkin LLP, and the Ogletree & Abbott Law Firm) and Ms. Cowdrey sign a stipulation explaining the parties' agreement to have the second Complaint sent for filing (dated May 22, 2007) withdrawn and returned along with the filing fee. If either of you contend

Hunter Shkolnik, Esq.
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that neither Complaint should be withdrawn, the Court will then go ahead and have the second Complaint filed and Order the parties to file respective Motions to Dismiss in the pending cases where Ms. Cowdrey is a named Plaintiff. The Court will not allow Ms. Cowdrey to remain a named Plaintiff in two separate cases.

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.

Again, 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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