

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

In re: GUIDANT CORP. IMPLANTABLE  
DEFIBRILLATORS PRODUCTS  
LIABILITY LITIGATION

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MDL No. 05-1708 (DWF/AJB)

This Document Relates to:

Randall Holley, Terri Thomas, Carl Claussen,  
Bonnie Ellis, Kenneth Manley, Elzie  
Muldrew, Roy Wright, Willie Pearl Allen,  
Dorothy Goodeaux, Deanne King, Marjorie  
Meachen, Kenneth Pruett, Shirley Robertson,  
Carol Rollins, Rosetta Simpson, Alfred  
Steinhauser, James Todd, Lyndon White, Paul  
Coppola, Donald Blich, Herman Graham,  
Bob Harris, Patricia Hudson, Moses Jones,  
Gerri Klein, Mike Lopresto, Jerome  
Markowitz, Wallace Morgan, George Reiber,  
Blossom Schwartz, John Berretta, Robert  
Haab, Barbara Moser, Jules Richter, Cynthia  
Rowe, Charles Jarrell, Gwen Smith, Jesse  
Clark, Pirie Robert, Dwight Roberts, Violet  
Madison, Larry Lee, Roland Farrand, Carl  
Holtman, Elizabeth Gill, Ronnie Pendergrass,  
Bonnie Hobbs, Betty Meador, Doyle Baude,  
Sr., Jade Osmer, Robert Dore, Leonard  
Leblanc, Charles Chaplain, Stanley  
Hathaway, Brenda Baldwin, and Daniel  
Gagne,

Plaintiffs,

v. Civil No. 07-1217 (DWF/AJB)

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

Defendants.

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**ORDER FOR DISMISSAL  
WITHOUT PREJUDICE**

(as to Plaintiffs Charles Chaplain, Elzie Muldrew, Carl Holtman, Terri Thomas, Carl Claussen, and Jesse Clark only)

Plaintiffs Charles Chaplain, Elzie Muldrew, Carol Holtman, Terri Thomas, Carl Claussen, and Jesse Clark, by and through their counsel, filed a Notice of Voluntary Dismissal Without Prejudice on June 21, 2007 (Civil No. 07-1217, Doc. No. 4)<sup>1</sup> pursuant to Federal Rule of Civil Procedure 41 with respect to their 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. Plaintiffs Charles Chaplain, Elzie Muldrew, Carl Holtman, Terri Thomas, Carl Claussen, and Jesse Clark's claims against Defendants Guidant Corporation, Guidant Sales Corporation, Cardiac Pacemakers, Inc., and Boston Scientific Corporation expressed in the Complaint (Civil No. 07-1217 (DWF/AJB), Doc. No. 1) are

**DISMISSED WITHOUT PREJUDICE.**

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<sup>1</sup> Plaintiffs filed their notice only in the original case. Plaintiffs should have filed their notice in both the original case Civil No. 07-1217 (DWF/AJB) and in the master case MDL No. 05-1708 (DWF/AJB).

2. Each party to bear its own costs.

**LET JUDGMENT BE ENTERED ACCORDINGLY AS TO PLAINTIFFS  
CHARLES CHAPLAIN, ELZIE MULDREW, CARL HOLTMAN, TERRI  
THOMAS, CARL CLAUSSEN, AND JESSE CLARK ONLY.**

Dated: June 25, 2007

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