

**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:

Catlin Delia, Robert England, Hidagard Field,
Linda Hightower, Pamela Rainer, Willodean
Russo, Richard Spaulding, Gary Tiano
(Tooley), James Pool, Sue Bengel, Franklin
Carver, Donald Cuddington, Georgia Jordan,
Truitt A. Poteet, Lonnie Spicer, Carl Moore,
Andrew O'Connell, George Borruto, Richard
Lane, Hazel Lucas, Philip Mitchell, Alexis
Watson, Jeanette Bradford, Tom Kelly, Diane
Panus, Michael Lowery, Scott Bianco,
Edward Fritsch, Rollo Lyberger, Bill Parker,
Marcella Phillips, Sonny Raines, Don
Ashcroft, Shirley Gibbs, James Rothrauff,
Michael Seibert, Robert Sliman, Allen Wills,
Thomas Chattman, Jr., Sylvester Graham,
Don Lee, Youmans Livingstone, Andy
Brockelman, Hazel Garaffa, William Ricks,
Teri Allred, William Cowan, Sarah
Farnworth, Betty Hansen, Jan Knowles,
Leslie Rodgers, William Burke, Dorothy
Parham, John Smith, Josephine Bertocchini,
Paul Schraven, and Jarrett Ryder,

Plaintiffs,

v. Civil No. 07-1220 (DWF/AJB)

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

Defendants.

**ORDER FOR DISMISSAL
WITHOUT PREJUDICE**

(as to Plaintiffs Diane Panus, William Ricks,
Robert Sliman, Pamela Rainer, Michael
Seibert, and Rollo Lyberger only)

Plaintiffs Diane Panus, William Ricks, Robert Sliman, Pamela Rainer, Michael Seibert, and Rollo Lyberger, by and through their counsel, filed a Notice of Voluntary Dismissal Without Prejudice on June 21, 2007 (Civil No. 07-1220, Doc. No. 4)¹ 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 Diane Panus, William Ricks, Robert Sliman, Pamela Rainer, Michael Seibert, and Rollo Lyberger's claims against Defendants Guidant Corporation, Guidant Sales Corporation, Cardiac Pacemakers, Inc., and Boston Scientific Corporation expressed in the Complaint (Civil No. 07-1220 (DWF/AJB), Doc. No. 1) are

DISMISSED WITHOUT PREJUDICE.

¹ Plaintiffs filed their notice only in the original case. Plaintiffs should have filed their notice in both the original case Civil No. 07-1220 (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
DIANE PANUS, WILLIAM RICKS, ROBERT SLIMAN, PAMELA RAINER,
MICHAEL SEIBERT, AND ROLLO LYBERGER ONLY.**

Dated: June 25, 2007

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