

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

July 20, 2007

BY U.S. MAIL & ECF

Michael A. London, Esq.
Douglas & London, PC
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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
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Re: *Randall Neaves and Leola Burge v. Guidant Corporation, et al.*
Civil No. 07-1284 (DWF/AJB)
AND
Pamela Barber, . . . Randall Neaves, et al. v. Guidant Corporation, et al.
Civil No. 07-2407 (DWF/AJB)

Dear Counsel:

On February 22, 2007, Douglas & London, P.C. filed a Complaint by Adoption on behalf of Randall Neaves and Leola Burge. The Complaint states that Randall Neaves is a citizen and resident of Duval County, Florida, and on July 2, 2002, was implanted with Guidant Device Model #1861. On May 22, 2007, the Law Office of Patrick J. Mulligan, PC (“the Mulligan Law Firm”) filed a Complaint by Adoption on behalf of Randall Neaves, among others. This Complaint states that Randall Neaves is a citizen and resident of Jacksonville, Florida, and on July 2, 2002, was implanted with Guidant Device Model #1861, Serial #232867 by Dr. Satish Goel at Memorial in Jacksonville, Florida.

Through this letter, I am giving both of your firms the chance to respond in writing to explain the situation comprising the dual filings, and whether Mr. Neaves should be and/or will be voluntarily dismissed from one of the two cases. 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 Mr. Neaves should be voluntarily dismissed from either the first or second case, it is agreeable to the Court to have all attorneys (including attorneys from both Douglas & London and the Mulligan Law Firm) and Mr. Neaves sign a stipulation explaining the parties’ agreement to have Mr. Neaves voluntarily dismissed from either the first or the second case

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filed. If either of you contend that Mr. Neaves should not be voluntarily dismissed from your respective case, the Court will then Order the parties to file respective Motions to Dismiss in the pending cases where Mr. Neaves is a named Plaintiff, reserving the right to award costs for the filings. The Court will not allow Mr. Neaves 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. 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.

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

c: Charles S. Zimmerman, Esq. (by ECF)
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