

**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:

Irmajeane Camerlengo, Kenneth Carroll,
Curtis D. Casto, Roderick Ann Casto, Donato
Cornacchione, Charles H. Crouch, Helen
Crouch, Pamela Elswick, James Herndon
Foster, Vickie Foster, James N. Freliche,
Hyong Freliche, Peggy Fuhrman, James
Fuhrman, Guillermo Garcia, Yolanda Garcia,
William D. Gibson, Retha C. Kirby, Benedict
Kirby, James L. McMillon, Frances
McMillon, Jenny O'Neill, Charlie O'Neill,
Dennis Parks, Manuel D. Rodriguez, Minerva
Rodriguez, Roy Willard Sales, Deborah Sales,
Thomas Spencer, Albert D. Van Atta, Picita
Vandzura, Ramon E. Vasquez, Carmen
Vasquez, John W. Willey, Doris Lee Willey,
and Dorothy Van Atta,

Plaintiffs,

v. Civil No. 07-1046 (DWF/AJB)

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

Defendants.

(as to Plaintiffs Jenny O'Neill and Charlie
O'Neill only)

**ORDER FOR DISMISSAL
WITHOUT PREJUDICE**

Plaintiffs Jenny O'Neill and Charles O'Neill, by and through their counsel, filed a Notice of Dismissal on July 5, 2007 (Civil No. 07-1046, Doc. No. 10)¹ and on July 6, 2007 (MDL No. 05-1708, Doc. No. 2159 and Civil No. 07-1046, Doc. No. 11)² 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 Jenny O'Neill and Charlie O'Neill's claims against Defendants Guidant Corporation, Guidant Sales Corporation, Cardiac Pacemakers, Inc., and Boston Scientific Corporation expressed in the Complaint (Civil No. 07-1046 (DWF/AJB), Doc. No. 1) are **DISMISSED WITHOUT PREJUDICE**.

2. Each party to bear its own costs.

**LET JUDGMENT BE ENTERED ACCORDINGLY AS TO PLAINTIFFS
JENNY O'NEILL AND CHARLIE O'NEILL ONLY.**

Dated: August 14, 2007

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

¹ Plaintiffs filed their notice only in the original case. Plaintiffs should have filed their notice in both the original case Civil No. 07-1046 (DWF/AJB) and in the master case MDL No. 05-1708 (DWF/AJB).

² This appears to be a duplicative filing of Civil No. 07-1046 (DWF/AJB), Doc. No. 10.