

**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:

Mark J. Peltier,

Plaintiff,

v. Civil No. 06-3447 (DWF/AJB)

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

Defendants.

**ORDER FOR
WITHDRAWAL OF COUNSEL**

Elliot L. Olsen, Esq., Pritzker Ruohonen & Associates, counsel for Plaintiff.

Timothy A. Pratt, Esq., Shook Hardy & Bacon LLP, and Joseph M. Price, Esq., Faegre & Benson LLP, counsel for Defendants.

Plaintiff Mark Peltier commenced this action on August 23, 2006. Pursuant to District of Minnesota Local Rule 83.7, Peltier's counsel, Elliot L. Olsen, Esq., of Pritzker Ruohonen & Associates ("Pritzker") filed a Motion to Withdraw as Attorney on September 18, 2007 (Civ. No. 06-3447 (DWF/AJB), Doc. No. 13). In a letter dated September 18, 2007, the Court asked Peltier to respond in writing to the motion, which he

did by an e-mail dated September 19, 2007. The Court forwarded a copy of this e-mail to Pritzker, and Pritzker submitted a response by letter dated October 1, 2007. The Court also invited Plaintiffs' Lead Counsel Committee and Guidant to submit a response to the motion. Neither did.

An attorney may be permitted to withdraw as counsel of record only by order of the Court. D. Minn. LR 83.7(a). "Withdrawal without substitution may be granted only by a motion before the Court, for good cause shown." D. Minn. LR 83.7(c). Pritzker asserts it can no longer effectively represent Peltier in light of Peltier's dissatisfaction with Pritzker and in light of the irretrievably damaged relationship between it and Peltier. The e-mail submissions show that a dispute has arisen between Peltier and Pritzker related to Peltier's desire to secure an investor in his case and Pritzker's alleged efforts to "drive off [Peltier's] last investor." Peltier explains his reasons for wanting the investor and his disappointment in not securing the investor. In light of his case being involved in the proposed settlement process, however, Peltier asks the Court for an extension of time to secure alternate counsel before Pritzker is allowed to withdraw. Pritzker does not object to continuing Peltier's representation for an additional two weeks.

Based on the submissions of the parties, the Court finds that good cause exists to allow Pritzker to withdraw from representing Peltier. Given the exchanges that have taken place between Pritzker, Peltier, and the Court, Peltier's interests are best served if he finds new counsel to represent him. In his e-mails¹ to the Court, Peltier has indicated

¹ Prior to Pritzker's filing its Motion to Withdraw as Attorney, Peltier sent e-mails to
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his extreme dissatisfaction with his representation and has not disputed that Pritzker should be allowed to withdraw from his case.

Based on a review of the file and the submissions of the parties, **IT IS HEREBY ORDERED** that:

1. Pritzker's Motion to Withdraw as Attorney (Civ. No. 06-3447 (DWF/AJB), Doc. No. 13) is **GRANTED**.² The effect of this Order shall be **STAYED** for two weeks. Therefore, Pritzker shall remain Peltier's counsel through 11:59 p.m. on Tuesday, October 16, 2007, or until Peltier has retained new counsel, whichever occurs first.

2. Pritzker shall confer with Guidant to confirm if there are any outstanding discovery issues related to Peltier's case, including but not limited to, the completion of a Plaintiff's Fact Sheet. If there are any outstanding discovery deficiencies, Pritzker shall provide Peltier with copies of documents relating to those deficiencies and explain when the deficiencies need to be answered by Peltier or his new counsel.

3. Pritzker shall inform Peltier of the substance of this Order (by e-mail and by U.S. Mail) and provide him with the contact information for Guidant and the Plaintiff's Lead Counsel Committee. It shall also provide Peltier, or his new counsel, with his file and all case documents, at no cost to him.

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the Court's chamber e-mail box on September 7, 2007, and September 10, 2007. The Court forwarded these communications on to Pritzker, Plaintiff's Lead Counsel, and Guidant.

² Pritzker filed its motion only in the individual case. It should have filed its motion in both the original case and in MDL 05-1708 (DWF/AJB).

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4. Pritzker shall provide Guidant and the Plaintiff's Lead Counsel Committee with Peltier's current contact information, including mailing address, telephone numbers, and e-mail address.

5. Peltier is encouraged to immediately seek new counsel. If he cannot afford to do so, the Court encourages him to investigate the possibility of a volunteer attorney service in his area.

6. The Clerk of Court shall mail a copy of this Order to Mark J. Peltier at 2558 Mayflower Drive, Carson City, NV 89706.

Dated: October 2, 2007

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

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