

**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:

James Austin Smith,

Plaintiff,

v. Civil No. 06-5078 (DWF/AJB)

Guidant Corporation; Guidant Sales
Corporation; Cardiac Pacemakers, Inc.;
Boston Scientific Corporation; and
Does 1-100, *inclusive*,

Defendants.

**ORDER FOR DISMISSAL
WITHOUT PREJUDICE**

Plaintiff James Austin Smith, by and through his counsel, filed a Notice of Voluntary Dismissal on March 15, 2007 (MDL No. 05-1708 (DWF/AJB), Doc. No. 1334; Civil No. 06-5078 (DWF/AJB), Doc. No. 8), pursuant to Federal Rule of Civil Procedure 41 with respect to his claims against Defendants Guidant Corporation, Guidant Sales Corporation, Cardiac Pacemakers, Inc., Boston Scientific Corporation, and Does 1-100. After consideration of the submissions and review of the procedural history of the file,

IT IS HEREBY ORDERED:

1. Plaintiff James Austin Smith's claims against Defendant Guidant Corporation, Guidant Sales Corporation, Cardiac Pacemakers, Inc., Boston Scientific Corporation, and Does 1-100 expressed in the Complaint (Civil No. 06-5078 (DWF/AJB), Doc. No. 1) are **DISMISSED WITHOUT PREJUDICE**.

2. Each party to bear its own costs.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: October 24, 2007

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