

**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:

Matthew Boero, Joseph Carbonara, Mercury Caronia, Frank DeBisceglie, Alfred DiTomasso, Joseph Felner, Jerome Finazzo, Mitchel Friedman, Vincent Fuggetta, Ted Honigman, Anthony Kaider, Filippo Labita, Rocco LaPolla, Donald Mahoney, Edward McDonagh, John D. Mooney, Elaine F. Riess, Donald Sultan, Joseph Tverdak, Irving Wiener, and John Willis,

Plaintiffs,

v. Civil No. 07-2605 (DWF/AJB)

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

Defendants.

(as to Plaintiff John D. Mooney only)

**ORDER FOR DISMISSAL  
WITHOUT PREJUDICE**

Plaintiff John D. Mooney, by and through his counsel, filed a Notice of Voluntary Dismissal on November 26, 2007 (MDL No. 05-1708 (DWF/AJB), Doc. No. 2504; Civil No. 07-2605 (DWF/AJB), Doc. No. 3), pursuant to Federal Rule of Civil Procedure 41(a)(1) with respect to his 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. Plaintiff John D. Mooney's claims against Defendants Guidant Corporation, Guidant Sales Corporation, Cardiac Pacemakers Inc., and Boston Scientific Corporation expressed in the Complaint (Civil No. 07-2605 (DWF/AJB), Doc. No. 1) are **DISMISSED WITHOUT PREJUDICE.**

2. Each party to bear its own costs.

**LET JUDGMENT BE ENTERED ACCORDINGLY AS TO PLAINTIFF JOHN D. MOONEY ONLY.**

Dated: November 27, 2007

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