

**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:

Randall Holley; Bonnie Ellis; Kenneth Manley; Roy Wright; Willie Pearl Allen; Dorothy Goodeaux; Deanne King; Marjorie Meachen; Kenneth Pruett; Shirley Robertson; Carol Rollins; Rosetta Simpson; Alfred Steinhauser; James Todd; Lyndon White; Paul Coppola; Donald Blicht; Robert L. Harris; Moses Jones; Michael Lopresto; Jerome Markowitz; Wallace Morgan; George Reiber; Blossom Schwartz; John Berretta; Robert Haab; Barbara Moser; Cynthia Rowe; Charles Jarrell; Gwendolyn Smith; Robert Eugene Pirie; Dwight Roberts; Violet Madison; Larry Lee; Rollin Farrani; Elizabeth Gill; Ronnie Pendergrass; Bonnie Hobbs; Betty Meador; Doyle Baude, Sr.; Jade Osmer; Robert Dore; Leonard Leblanc; Stanley Hathaway; Brenda Baldwin; Amanda Graham on behalf of Herman Graham; Corey Burnwell on behalf of Patricia Hudson; Robert Hudson on behalf of Patricia Hudson; and Corinne Richter on behalf of Jules M. Richter, deceased,

Plaintiffs,

v. Civil No. 07-1217 (DWF/AJB)

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

Defendants.

ORDER

(as to Plaintiff Gerri Klein only)

On June 21, 2007, Plaintiff Gerri Klein's counsel of record filed an Amended Complaint by Adoption. In this filing, counsel requested Plaintiff Klein to be dismissed without prejudice. (*See* Civ. No. 07-1217 (DWF/AJB), Doc. No. 3, at 10.) On July 31, 2007, the Court issued an Order whereby it granted Plaintiff's counsel's request. (MDL No. 05-1708 (DWF/AJB), Doc. No. 2301, ¶ 6; Civil No. 07-1217 (DWF/AJB), Doc. No. 7, ¶ 6 (referencing Civ. No. 07-1217, Doc. No. 3, and stating that the filing was granted and received as filed).)

On January 4, 2008, Plaintiff Klein, by and through counsel of record, filed a Stipulation of Dismissal Without Prejudice (Civil No. 07-1217 (DWF/AJB), Doc. No. 8), pursuant to Federal Rule of Civil Procedure 41(a)(1). On January 16, 2008, Plaintiff Klein's counsel of record filed a Motion to Withdraw as Counsel (Civil No. 07-1217, Doc. No. 10)¹.

After consideration of the submissions and review of the procedural history of the file, the Court hereby enters the following:

¹ Counsel for Plaintiff filed the Stipulation of Dismissal Without Prejudice and the Motion to Withdraw as Counsel only in the individual case (Civil No. 07-1217 (DWF/AJB), Doc. Nos. 8, 10). The Stipulation and Motion should also have been filed in the master case, MDL 05-1708 (DWF/AJB).

ORDER

1. Plaintiff Gerri Klein's Stipulation of Dismissal Without Prejudice (Civil No. 07-1217 (DWF/AJB), Doc. No. 8) is **DENIED AS MOOT**. Plaintiff Gerri Klein was dismissed without prejudice on July 31, 2007.

2. Plaintiff Gerri Klein's counsel's Motion to Withdraw as Counsel (Civil No. 07-1217 (DWF/AJB), Doc. No. 10) is **DENIED AS MOOT**.

Dated: January 30, 2008

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