

**UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MINNESOTA**

Chambers of
DONOVAN W. FRANK
DISTRICT JUDGE

Warren E. Burger Federal Building
316 North Robert Street, Room 738
St. Paul, Minnesota 55101
(651) 848-1290

February 7, 2008

BY U.S. MAIL

Melita Bena (successor in interest to Lawrence Bena)
13765 Creek Trail
Redding, CA 96003

**Re: In re: GUIDANT CORP. IMPLANTABLE DEFIBRILLATORS
PRODUCTS LIABILITY LITIGATION
MDL No. 05-1708 (DWF/AJB)**

*Kimberly Bailey; James Baker; Lawrence Bena, by and through Melita Bena, his
successor in interest, et al. v. Guidant Corporation; Guidant Sales Corporation;
and Cardiac Pacemakers, Inc., et al.*
Civil No. 07-8 (DWF/AJB)

Motion to Withdraw as Counsel

Dear Ms. Bena:

On February 6, 2008, your attorneys filed a motion to withdraw as your counsel of record in the above-entitled matter. Before I rule on that motion, I am giving you a chance to respond in writing to let me know if you oppose or support the motion. If you wish to respond, please do so within one week of receipt of this letter. You may send your response to me by mail (316 North Robert Street, St. Paul, Minnesota 55101); by fax (651-848-1292); or by e-mail (frank_chambers@mnd.uscourts.gov). For your convenience, I am including a copy of the motion for your review.

I am electronically filing a copy of this letter so that Plaintiffs' Lead Counsel and Defendants' attorneys will receive a copy of this letter. By this letter, I am also giving those attorneys one week to support or oppose the motion by electronically filing their statement and mailing a copy of their statement to you. By this letter, I am also requesting that your attorneys verify that you have received a copy of this letter.

Ms. Melita Bena
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After I receive the responses to the motion to withdraw, if any, I will either rule on the motion based on the papers submitted or schedule a telephone conference to discuss the motion.

Very truly yours,

s/Donovan W. Frank

DONOVAN W. FRANK
Judge of United States District Court

DWF:rlb
Enclosure

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