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Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

In re: Guidant Corp. Implantable
Defibrillators Products Liability
Litigation

MDL No. 05-1708 (DWF/AJB)

This pleading relates to:

Lawrence Bena, Deceased, by and
through Melita Bena, his Successor in
Interest,

District of MN. Case No. 07-8
C.A. No: 2:06-2420

Plaintiffs,

vs.

Guidant Corporation, et al.

Defendants.

**AFFIDAVIT OF ROBERT G. SIMPSON IN SUPPORT OF MOTION TO
WITHDRAW AS COUNSEL OF RECORD**

State of California)

) ss.

County of Shasta)

Robert G. Simpson, being first duly sworn upon oath, states:

1. He is one of the attorneys of record for the above-named plaintiff and is thoroughly familiar with all the files, records and proceedings herein.

2. Said plaintiff has been apprised of the currently proposed and pending settlement with Defendants and the proposed allocation of funds with respect to a Ventak AV III DR 1831, Serial Number 105108, device.

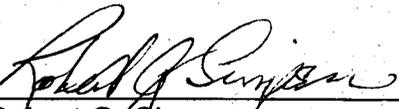
3. Said plaintiff has indicated her desire, as Successor in Interest, to not accept the settlement and/or allocation plan and desires to pursue the case against Guidant outside the parameters of the proposed settlement.

4. Although provided with a Substitution of Attorneys, Plaintiff's Successor in Interest has declined to execute the same. Consequently, this office has no alternative but to file this Motion to Withdraw.

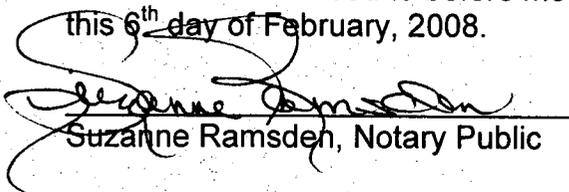
5. The address for Plaintiff Lawrence Bena Deceased, by and through Melita Bena, his Successor in Interest, is 13765 Creek Trail, Redding, Ca 96003, Telephone: 530-275-0718, e-mail: melitabena@hughes.net.

Dated: February 6, 2008.

REINER, SIMPSON & SLAUGHTER

By: 
Robert G. Simpson

Sworn and subscribed to before me
this 6th day of February, 2008.


Suzanne Ramsden, Notary Public

