

**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 Kenneth Pruett only)

Eric N. Roberson, Esq., Patrick J. Mulligan, Esq., and Reid Stewart, Esq., The Mulligan Law Firm, counsel for Plaintiffs.

Timothy A. Pratt, Esq., Shook Hardy & Bacon LLP, and Joseph M. Price, Esq., Faegre & Benson LLP, counsel for Defendants.

The Mulligan Law Firm commenced this action on February 20, 2007 on behalf of Plaintiff Kenneth Pruett. On January 28, 2008, Pruett's counsel, Eric Roberson, Esq., from the Mulligan Law Firm ("the Mulligan Firm") filed an Amended Motion to Withdraw as Counsel (Civ. No. 07-1217 (DWF/AJB), Doc. No. 12).¹ In a letter dated January 23, 2008, the Court asked Pruett to respond in writing to the motion. As of the date of this Order, the Court has not received a response from Pruett.

An attorney may be permitted to withdraw as counsel of record only by order of the Court. D. Minn. LR 83.7(a). "Withdrawal without substitution may be granted only by a motion before the Court, for good cause shown." D. Minn. LR 83.7(c). The Mulligan Firm asserts that although it had received paperwork from Pruett, it had not received an executed contract. Therefore, it asserts that it has been proceeding under the mistaken belief that Pruett was a Mulligan Firm client.

¹ Counsel for Plaintiff filed the Motion to Withdraw as Counsel only in the original case. They should have filed the motion in both the original case Civil No. 07-1217 (DWF/AJB) and in the master case MDL No. 05-1708 (DWF/AJB).

Based on a review of the file, and given the requirements necessary to proceed under the Master Settlement Agreement, the Court finds that good cause exists to allow the Mulligan Firm to withdraw from representing Pruett. The Court concludes that Pruett's interests are best served if he is allowed to find new counsel to represent him.

Accordingly, **IT IS HEREBY ORDERED** that:

1. The Mulligan Firm's Amended Motion to Withdraw as Attorney (Civ. No. 07-1217 (DWF/AJB), Doc. No. 12) is **GRANTED**.

2. The Mulligan Firm's Motion to Withdraw as Attorney (Civ. No. 07-1217 (DWF/AJB), Doc. No. 9) is **DENIED AS MOOT**.

3. The Mulligan Firm shall inform Pruett of the substance of this Order (by U.S. Mail) and provide him with the contact information for Guidant and the Plaintiff's Lead Counsel Committee. It shall also provide Pruett with his file and all case documents, at no cost to him.

4. The Mulligan Firm shall provide Guidant and the Plaintiff's Lead Counsel Committee with Pruett's current contact information, including mailing address, telephone numbers, and e-mail address.

5. Pruett is encouraged to immediately seek new counsel. If he cannot afford to do so, the Court encourages him to investigate the possibility of a volunteer attorney service in his area. The Court also encourages Pruett to contact MDL Plaintiff Attorney Elizabeth Peterson at 612-341-0400 to discuss his options under the Master Settlement Agreement.

6. The Clerk of Court shall mail a copy of this Order to Kenneth Pruett at
7731 Lookout Dr., La Jolla, CA 92037.

Dated: February 21, 2008

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