

**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:

Larry Powers,

Plaintiff,

v. Civil No. 07-2373 (DWF/AJB)

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

Defendants.

ORDER

Jerrold S. Parker, Esq., and Melanie H. Muhlstock, Esq., Parker & Waichman, LLP,
counsel for Plaintiff.

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

The law firm of Parker Waichman Alonso, LLP (f/k/a Parker & Waichman, LLP)
commenced this action on May 18, 2007, on behalf of Plaintiff Larry Powers. On
February 26, 2008, Powers' counsel, Melanie H. Muhlstock, Esq., from the Parker
Waichman Alonso, LLP (f/k/a Parker & Waichman, LLP) law firm ("the Parker Firm")
filed an Application to Withdraw as Counsel of Record for Plaintiff Larry Powers (MDL

No. 05-1708 (DWF/AJB), Doc. No. 2619; Civ. No. 07-2373 (DWF/AJB), Doc. No. 3).

In a letter dated February 28, 2008, the Court allowed Powers to respond in writing to the motion within one week. As of the date of this Order, the Court has not received a response from Powers.

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 Parker Firm asserts that they and Powers have reached irreconcilable differences as to strategy or tactics in this matter and, as such, there has been a deterioration of the attorney-client relationship.

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 Parker Firm to withdraw from representing Powers. The Court concludes that Powers’ interests are best served if he is allowed to find new counsel to represent him.

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

1. The Application to Withdraw as Counsel of Record for Plaintiff Larry Powers (MDL No. 05-1708, Doc. No. 2619; Civ. No. 07-2373, Doc. No. 3) is

GRANTED.

2. The Parker Firm shall inform Powers of the substance of this Order (by U.S. Mail) and provide him with the contact information for Guidant and the Plaintiffs’ Lead Counsel Committee. It shall also provide Powers with his file and all case documents, at no cost to him.

4. The Parker Firm shall provide Guidant and the Plaintiffs' Lead Counsel Committee with Powers' current contact information, including mailing address, telephone numbers, and e-mail address.

5. Powers 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 Powers 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 Larry Powers at 3918 Peachtree Road, Balch Springs, TX 75180.

Dated: March 17, 2008

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