

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

In Re: GUIDANT CORP. IMPLANTABLE)	MDL No. 05-1708 (DWF/AJB)
DEFIBRILLATORS PRODUCTS)	
LIABILITY LITIGATION)	
)	
This pleading relates to:)	MOTION TO WITHDRAW
Edward Alexander, et. al. v.)	AS COUNSEL FOR
Guidant Corporation, et. al.)	PLAINTIFF
Individual Case No. 0:07-cv-03825)	JAMES LYMAN

**MOTION TO WITHDRAW AS COUNSEL
FOR PLAINTIFF JAMES LYMAN**

Pursuant to Local Rule 83.7, counsel for James Lyman, Brown & Crouppen, P.C., Seth Sharrock Webb, and all attorneys of record in this matter, seek to withdraw as counsel for James Lyman, the Plaintiff in the above captioned matter.

Counsel seeks leave to withdraw because Counsel has attempted to contact Mr. Lyman numerous times and has been unable to contact client by telephone or achieve sufficient communication through the mail, and Mr. Lyman has not been cooperative in producing requested information. This severely inhibits Counsel's ability to represent Ms. Lyman and necessitates withdraw as Counsel.

Counsel has had trouble in communicating with client to obtain necessary information. Counsel attempted to contact client via U.S. Postal Service on 11/15/05. Counsel attempted to contact Mr. Lyman via telephone on 11/28/05, 12/7/05, and 1/3/06 and received a recording stating the line was being checked for trouble. Plaintiff never returned a completed Plaintiff Fact Sheet. On 3/10/06 Counsel sent a letter to Mr. Lyman at his last known address asking for updated contact information, and immediate return

call. On 3/16/06 Counsel sent a letter to Mr. Lyman via Certified and regular mail asking for an immediate return call. On 3/30/06 Counsel mailed a post card to Mr. Lyman asking that he contact Counsel immediately. On 3/30/06 Counsel received the letter dated 3/16/06 returned wrong address. Counsel performed a Westlaw search for Mr. Lyman on 4/18/06 with no positive results. On 11/21/06 Counsel received an update letter that was mailed to Mr. Lyman marked undeliverable. On 7/31/07 Counsel attempted to contact Mr. Lyman via telephone and was unsuccessful, and mailed another post card to Mr. Lyman requesting that he contact Counsel immediately. On 8/1/07 another people search was performed by Counsel with no positive result. Counsel sent certified letter to Plaintiff on February 29, 2008 notifying Plaintiff that failure to reply within 7 days would result in Counsel's withdraw from her claim. Several people search engines were utilized to attempt to obtain additional contact information for Mr. Lyman in August 2007 and were unsuccessful. In January 2008, Counsel went so far as to employ a private investigator to locate Mr. Lyman who spoke with the landlord of Mr. Lyman's last known address, who stated that Mr. Lyman was no longer living there and he did not know where he might be presently. Counsel cannot obtain the necessary participation and cooperation of Plaintiff to allow counsel to represent Plaintiff further.

A notice of Motion for Withdraw has been sent via United States Postal Service to the attention of Plaintiff James Lyman at his last known address.

Wherefore, Brown & Crouppen, Seth Sharrock Webb, and all attorneys of record in this matter, request they be allowed to withdraw as counsel of record.

Respectfully submitted,
BROWN & CROUPPEN, P.C.

/s/ SETH SHARROCK WEBB

Seth Sharrock Webb, MN Bar #0387252

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Attorney for Plaintiff

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on March 25th, 2008 the foregoing was filed electronically with the Clerk of Court to be served by operation of the Court's electronic filing system to all counsel of record and served via certified mail upon James Lyman at his last known address, 2400 Northwestern Ave., Apt. 26, Racine, WI 53404.

/s/ SETH SHARROCK WEBB
Seth Sharrock Webb, MN Bar #0387252