

**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:

Robert R. Boyd, Sandra Boyd, Peggy C.
Baggett, and Gator J. Mitchell,

Plaintiffs,

v. Civil No. 07-2258 (DWF/AJB)

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

Defendants.

(as to Plaintiff Gator J. Mitchell only)

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)
("the Parker Firm") commenced this action on May 10, 2007, on behalf of Plaintiff
Gator J. Mitchell. On March 11, 2008, Mitchell's counsel, Melanie H. Muhlstock, Esq.,
from the Parker Firm filed an Application to Withdraw as Counsel of Record for Plaintiff

Gator J. Mitchell *Only* (MDL No. 05-1708 (DWF/AJB), Doc. No. 2639; Civ. No. 07-2258 (DWF/AJB), Doc. No. 5). In a letter dated March 12, 2008, the Court allowed Mitchell 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 Mitchell.

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 Mitchell have reached irreconcilable differences and 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 Mitchell. The Court concludes that Mitchell’s 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 Gator J. Mitchell *Only* (MDL No. 05-1708, Doc. No. 2639; Civ. No. 07-2258, Doc. No. 5) is

GRANTED.

2. The Parker Firm shall inform Mitchell 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 attempt to provide Mitchell with his file and all case documents, at no cost to him.

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

4. Mitchell 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 Mitchell to contact MDL Plaintiff Attorney Elizabeth Peterson at 612-341-0400 to discuss his options under the Master Settlement Agreement.

5. The Clerk of Court shall mail a copy of this Order to Gator J. Mitchell at 2041 Johnson, #2, Brownsville, TX 78520.

Dated: March 31, 2008

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