

**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:

Edward Alexander; Elsie Argurio; Antonio Barela; George Bartiromo; William Bateau; Ray Bengtson; Thomasine Bennett; Norman Benson; Kenneth Berens; Paul Berkshire; Anita Blackwell; Anita Blair; Robert Bognar; Marcus Breen; Horace Bridges, Jr.; Letha Brooks; John Brown; Richard Brown; Sarita Brown; Paul Brunker; Keith Bryant; Robert Canaday, Sr.; Robert Carter; Pearl Cashaw; Margaret Chamberlain, as personal representative for the estate of Donald Chamberlain, deceased; Sue Chambers; Cindy Rumsey, as personal representative for the estate of Carl D. Chaney, deceased; Richard Charlton; Nathaniel Childs; Crhistopher Cipolla; Connie Clark; Vera Clark; C.W. Clevenger; W.B. Cole; Luther Cook; Brenadette Cooks; Penelope Corkery; Jeffrey Couch; Herb Crosby; Linda Damron; Floyd Daniels; Maxine Davis; Patricia Davis; David A. Dimmick; Glenn Donald; Waltee Dunigan; Victor Eaton; Willie Ann Edwards; Patricia Eich; Wolfgang Eul; James Farris; Jodie Faverty; Sandra Fletcher; Louis Forman, Sr.; Wreatha Gaines; Fred Gallegos; Joseph Gans; William Goetter; Clifford Goodwin; Walter Graenswer; Russell L. Grimmett; Sharnique Gully; Norma Jean Haggart; Raymond Hardge; Kenneth Hardin; Allan Hartnett; Catherine Hawkins; Charles Henderson; Troy Holt; Ernest Howard; Kay Huffman, as personal representative for the estate of Ralph Huffman, deceased; Betty

ORDER

Johner, as personal representative for the estate of Donald Johner, deceased; Annabelle Johnson; Archie Johnson; Earl Johnson; Walter Johnson; Paul Jones; Victoria Kelly, as personal representative for the estate of Dennis Kelly, deceased; Cindy Kilgore; Henrietta Kilgore; Doug Kohlepp; Laverne Kosmerchock; David K. Lasswell; Deonnia Lavett; Shirley Lindeen; Doris Lindwood-Sommerville; Dorothy Loos; James Lyman; Wendall Lytle; Robert MacCallum; Jimmie Martin, Sr.; Eduardo Martinez; Walter J. Maslinski; Christy Masters, as personal representative for the estate of Sandford Masters, deceased; Robert G. Medina; Evelyn Merritt; Arthur Metcalf; Lowell Miller; Sandra Miller; George J. Moore; David Muren; William David Needham; Dale Nelson; Karen Neville Zahrobsky; Marian Newport, as personal representative for the estate of mark J. Newport, deceased; Stephen Noble, as personal representative for the estate of Scott Noble, deceased; Sharon Norris; Lisa Ohmes, as personal representative for the estate of Virgin Ohmes, deceased; Michael Owens; Leonard Paluch; Barbara Parish; Johnnie Parker; Thelma Parker, as personal representative of the estate of Melvin Parker, deceased; James Payne; Tim Polen; John Pozzo; Claudia Ray; James Rector; Joseph Redd; Earl Reese; Antoninette Reynolds; Brandais Reynolds; Billy Roberson; Joan Russell, as personal representative for the estate of Warner Russell, deceased; John Salyer; Gerald Sanders; George Sapikas; Victor Savana; Jessica Scalf; Ronald Scalla; John Schoonover; George Schuch; Jack Seek; John Slater; Marsha Smallwood; Paula Smith; Henry Smock; Evelyn Sprague, as personal representative for the estate of Robert Sprague, deceased; Linda Squeo; Barbara Stevenson; Chandler Strange; Michael Stuart;

Kent Sutton; Melinda Swarringim; Betty Swierzynski, as personal representative for the estate of Eugene Swierzynski, deceased; John Termini; June Thurau; Vernon Todd; Pinkie Townley; Arden Tsigaras; Gregory Tucker; Joseph Uylaki; Florin Van Vleck; Kenneth Whitford; Arthur Wiederin; Jack Winter; George Wockenfuss; Brian Womack; Thomas Wood; Shulonzell Woods; Homer T. Yager; Jerome Zielinski; Donald Zloch; Anathalia Baca, as personal representative for the estate of Arturo L. Baca, deceased; Ann Brannen, as personal representative for the estate of Claude R. Brannen, Jr., deceased; and Ann Dressel, as personal representative for the estate of James Dressel, deceased,

Plaintiffs,

v. Civil No. 07-3825 (DWF/AJB)

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

Defendants.

(as to Plaintiff James Lyman only)

John J. Driscoll, Esq., and Seth S. Webb, Esq., Brown & Crouppen, counsel for Plaintiffs.

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

The law firm of Brown & Crouppen commenced this action on July 17, 2007, on behalf of Plaintiff James Lyman. An Amended Complaint was filed on August 10, 2007.

On March 25, 2008, Lyman's counsel, Seth Sharrock Webb, Esq., from the Brown & Crouppen firm filed a Motion to Withdraw as Counsel for Plaintiff James Lyman (MDL No. 05-1708 (DWF/AJB), Doc. No. 2674; Civ. No. 07-3825 (DWF/AJB), Doc. No. 3). In a letter dated March 28, 2008, the Court allowed Lyman 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 Lyman.

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 Brown & Crouppen firm asserts that they have attempted to contact Lyman numerous times and have been unable to contact him by telephone or achieve sufficient communication through the mail, and Lyman has not been cooperative in producing requested information, severely inhibiting counsel's ability to represent Lyman.

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 Brown & Crouppen firm to withdraw from representing Lyman. The Court concludes that Lyman's interests are best served if he is allowed to find new counsel to represent him.

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

1. The Motion to Withdraw as Counsel for Plaintiff James Lyman (MDL No. 05-1708, Doc. No. 2674; Civ. No. 07-3825, Doc. No. 3) is **GRANTED**.

2. The Brown & Crouppen firm shall inform Lyman 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 Lyman with his file and all case documents, at no cost to him.

3. The Brown & Crouppen firm shall provide Guidant and the Plaintiffs' Lead Counsel Committee with Lyman's current contact information, including mailing address, telephone numbers, and e-mail address.

4. Lyman 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 Lyman 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 James Lyman at 2400 Northwestern Ave., Apt. 26, Racine, WI 53404.

Dated: April 10, 2008

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