

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

In re: GUIDANT CORP. IMPLANTABLE
DEFIBRILLATORS PRODUCTS
LIABILITY LITIGATION

MDL No. 05-1708 (DWF/AJB)

Case Number: 06-cv-4964

JAMES CAICO AND MARCOS RODRIGUEZ
Plaintiff[s].

-against-

GUIDANT CORPORATION, *et al.*,
Defendants.

**MOTION TO WITHDRAW
AS COUNSEL OF RECORD**

Related to Plaintiff James Caico

NOW COMES, undersigned counsel, who hereby moves this Honorable Court to issue an order dismissing Daniel Becnel, Jr.; Becnel Law Firm, LLC; Melanie Muhlstock; and Parker Waichman, LLP as counsel of record in the above captioned matter. Plaintiff, James Caico has failed to respond to any and all of undersigned communication attempts regarding the upcoming deadlines in his case. Plaintiff has sent letters via First Class Mail and Federal Express to all of plaintiff's known addresses since Mr. Caico has entered this litigation. These addresses are 4729 Manzanita Avenue, Apt. 5 Carmichael, CA 95608; 4729 Manzanita Avenue, Apt. 47 Carmichael, CA 95608; 1555 Sonoma Avenue, Apt. 4 Sacramento, CA 95815; 7030 Lakewood Court Pollock Pines, CA 95726. Copies of said letters and proof of signature are attached as Exhibit A. A copy of this motion is also being sent via certified mail to all of the above listed addresses.

Date: April 25, 2008

Respectfully submitted,

S/Daniel E. Becnel, Jr.
DANIEL E. BECNEL, JR. (LA#2926)
BECNEL LAW FIRM, L.L.C.
106 West Seventh Street
P. O. Drawer H
Reserve, Louisiana 70084
Telephone: (985) 536-1186
Facsimile: (985) 536-6445
Email: dbecnel@becnellaw.com

MELANIE MUHLSTOCK (MM-9309)
PARKER & WAICHMAN, LLP
111 Great Neck Road
Great Neck, New York 11021-5402
Telephone: 516-740-7711
Facsimile: 516-466-6665

CERTIFICATE OF SERVICE

I hereby certify that on April 25, 2008 a true copy of the foregoing was filed electronically. Notice of this filing was sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's CM/ECF system. Notice was sent to James Caico via Certified Mail at the following addresses:

4729 Manzanita Avenue, Apt. 5
Carmichael, CA 95608

4729 Manzanita Avenue, Apt. 47
Carmichael, CA 95608

1555 Sonoma Avenue, Apt. 4
Sacramento, CA 95815

7030 Lakewood Court
Pollock Pines, CA 95726

/S/ Daniel E. Becnel, Jr.
Daniel E. Becnel, Jr.

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

In re: GUIDANT CORP. IMPLANTABLE
DEFIBRILLATORS PRODUCTS
LIABILITY LITIGATION

MDL No. 05-1708 (DWF/AJB)

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JAMES CAICO AND MARCOS RODRIGUEZ
Plaintiff[s].

-against-

PROPOSED ORDER

GUIDANT CORPORATION, *et al.*,
Defendants.

Related to Plaintiff James Caico

Upon due consideration of the foregoing Motion to Withdraw as Counsel of Record and for good cause shown, the court find the Motion to be well taken and that same should be granted.

IT IS HEREBY ORDERED that Daniel Becnel Jr., the Becnel Law Firm, L.L.C., Melanie Muhlstock and Parker Waichman, LLP, are discharged as the Counsel of Record for James Caico.

Dated this _____ day of _____, 2008

UNITED STATES DISTRICT COURT JUDGE

EXHIBIT A

PARKER WAICHMAN ALONSO LLP

A T T O R N E Y S A T L A W

111 Great Neck Road, Great Neck, NY 11021 111 John Street, 14th Floor, New York, NY 10038 375 Cedar Lane, Teaneck, NJ 07666
516.466.6500 | Fax: 516.466.6665 212.267.6700 973.297.1020

PLEASE REPLY TO OUR GREAT NECK OFFICE

April 18, 2008

By FedEx

James V. Caico
4729 Manzanita Avenue, Apt. 5
Carmichael, CA 95608

4729 Manzanita Avenue, Apt. 47
Carmichael, CA 95608

1555 Sonoma Avenue, Apt. 4
Sacramento, CA 95815

7030 Lakewood Court
Pollock Pines, CA 95726

**Re: *Guidant Settlement*
Your File No. 604050**

Dear Mr. Caico:

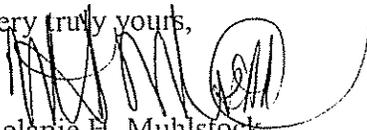
We have been trying to contact you by telephone at the only number we have on file for you and it appears that it is not a working number. The Becnel Law Firm, co-counsel on your case, has sent correspondence to you at the last known addresses that they/we have on file for you.

The Court has issued a deadline for all claimants to confirm participation or non-participation in the Guidant Settlement. **That deadline is April 28, 2008.**

Please contact our office immediately upon receipt of this letter at 1-800-LAW-INFO to speak to either myself or my paralegal, Kelli Alexander; or Salvadore Christina, Esq. at The Becnel Law Firm (985) 536-1186.

We look forward to speaking with you.

Very truly yours,



Melanie H. Muhlstock

MHM/kaa

cc: The Becnel Law Firm LLC, Attn: Salvadore Christina, Esq. (via Electronic Mail)

Salvadore Christina, Jr.

From: TrackingUpdates@fedex.com
Sent: Monday, April 21, 2008 4:01 PM
To: Alexander, Kelli
Subject: FedEx Shipment 799839735147 Delivered

This tracking update has been requested by:

Company Name: Parker Waichman Alonso LLP
Name: Kelli Alexander
E-mail: KAlexander@Yourlawyer.com

Our records indicate that the following shipment has been delivered:

Reference: 604050
Ship (P/U) date: Apr 18, 2008
Delivery date: Apr 21, 2008 1:56 PM
Sign for by: S.BISHOP
Delivered to: Receptionist/Front Desk
Service type: FedEx Standard Overnight
Packaging type: FedEx Envelope
Number of pieces: 1
Weight: 0.50 lb.
Special handling/Services: Residential Delivery
Deliver Weekday

Tracking number: [799839735147](https://www.fedex.com/track/799839735147)

Shipper Information	Recipient Information
Kelli Alexander	James Caico
Parker Waichman Alonso LLP	c/o Destefino;1555 Sonoma Avenue, Apt. 4
111 Great Neck Road	Sacramento
Great Neck	CA
NY	US
US	95815
11021	

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All weights are estimated.

To track the latest status of your shipment, click on the tracking number above, or visit us at [fedex.com](https://www.fedex.com).

This tracking update has been sent to you by FedEx on the behalf of the Requestor noted above. FedEx does not validate the authenticity of the requestor and does not validate, guarantee or warrant the authenticity of the request, the requestor's message, or the accuracy of this tracking update. For tracking results and fedex.com's terms of use, go to [fedex.com](https://www.fedex.com).

Thank you for your business.

Salvadore Christina, Jr.

From: TrackingUpdates@fedex.com
Sent: Monday, April 21, 2008 2:28 PM
To: Alexander, Kelli
Subject: FedEx Shipment 799310178964 Delivered

This tracking update has been requested by:

Company Name: Parker Waichman Alonso LLP
Name: Kelli Alexander
E-mail: KAlexander@Yourlawyer.com

Our records indicate that the following shipment has been delivered:

Reference: 604050
Ship (P/U) date: Apr 18, 2008
Delivery date: Apr 21, 2008 12:21 PM
Sign for by: R.CAICO
Delivered to: Residence
Service type: FedEx Standard Overnight
Packaging type: FedEx Envelope
Number of pieces: 1
Weight: 0.50 lb.
Special handling/Services: Residential Delivery
Deliver Weekday

Tracking number: [799310178964](#)

Shipper Information	Recipient Information
Kelli Alexander	James Caico
Parker Waichman Alonso LLP	4729 MANZANITA AVE APT 5
111 Great Neck Road	CARMICHAEL
Great Neck	CA
NY	US
US	956080854
11021	

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Thank you for your business.

Salvadore Christina, Jr.

From: TrackingUpdates@fedex.com
Sent: Monday, April 21, 2008 2:28 PM
To: Alexander, Kelli
Subject: FedEx Shipment 790495796541 Delivered

This tracking update has been requested by:

Company Name: Parker Waichman Alonso LLP
Name: Kelli Alexander
E-mail: KAlexander@Yourlawyer.com

Our records indicate that the following shipment has been delivered:

Reference: 604050
Ship (P/U) date: Apr 18, 2008
Delivery date: Apr 21, 2008 12:21 PM
Sign for by: R.CAICO
Delivered to: Residence
Service type: FedEx Standard Overnight
Packaging type: FedEx Envelope
Number of pieces: 1
Weight: 0.50 lb.
Special handling/Services: Residential Delivery
Deliver Weekday

Tracking number: 790495796541

Shipper Information	Recipient Information
Kelli Alexander	James Caico
Parker Waichman Alonso LLP	4729 MANZANITA AVE APT 47
111 Great Neck Road	CARMICHAEL
Great Neck	CA
NY	US
US	956080854
11021	

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All weights are estimated.

To track the latest status of your shipment, click on the tracking number above, or visit us at fedex.com.

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Thank you for your business.



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 3875 Airways Boulevard
 Module H, 4th Floor
 Memphis, TN 38116

U.S. Mail: PO Box 727
 Memphis, TN 38194-0727
 Telephone: 901-369-3600

April 23, 2008

Dear Customer:

The following is the proof-of-delivery for tracking number **799310178964**.

Delivery Information:

Status:	Delivered	Delivery location:	CARMICHAEL, CA
Signed for by:	R.CAICO	Delivery date:	Apr 21, 2008 12:21
Service type:	Standard Envelope		

Shipping Information:

Tracking number:	799310178964	Ship date:	Apr 18, 2008
		Weight:	0.5 lbs.

Recipient:	Shipper:
CARMICHAEL, CA US	Great Neck, NY US

Reference	604050
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 1.800.GoFedEx 1.800.463.3339



Case 0:06-cv-04964-DWE-AJB Document 4-2
 FedEx Express
 Customer Support Trace
 3875 Airways Boulevard
 Module H, 4th Floor
 Memphis, TN 38116

Filed 04/25/2008 Page 7 of 8
 U.S. Mail: PO Box 727
 Memphis, TN 38194-4673
 Telephone: 901-369-3600

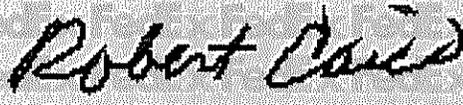
April 23, 2008

Dear Customer:

The following is the proof-of-delivery for tracking number **790495796541**.

Delivery Information:

Status:	Delivered	Delivery location:	CARMICHAEL, CA
Signed for by:	R.CAICO	Delivery date:	Apr 21, 2008 12:21
Service type:	Standard Envelope		



Shipping Information:

Tracking number:	790495796541	Ship date:	Apr 18, 2008
		Weight:	0.5 lbs.

Recipient:	Shipper:
CARMICHAEL, CA US	Great Neck, NY US

Reference	604050
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FedEx Express
Customer Support Trace
3875 Airways Boulevard
Module H, 4th Floor
Memphis, TN 38116

U.S. Mail, PO Box 737
Memphis, TN 38194-4613
Telephone: 901-369-3600

April 23, 2008

Dear Customer:

The following is the proof-of-delivery for tracking number **799839735147**.

Delivery Information:

Status:	Delivered	Delivery location:	Sacramento, CA
Signed for by:	S.BISHOP	Delivery date:	Apr 21, 2008 13:56
Service type:	Standard Envelope		

Shipping Information:

Tracking number:	799839735147	Ship date:	Apr 18, 2008
		Weight:	0.5 lbs.

Recipient:	Shipper:
Sacramento, CA US	Great Neck, NY US

Reference	604050
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Thank you for choosing FedEx Express.

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