

**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:

Jeffrey Augsburger, Roger Barker, Victoria Barker, Elizabeth Bass, Daniel Bianquini, Anita Rico Bianquini, Henry Brown, Mary Ann Brown, Donna Brown, Jim Clair, Louise Clair, Richard Connor, Joann Connor, Lawrence Costa, Virginia Costa, Howard Day, Madeline Day, Richard Digiandomenico, Cynthia Digiandomenico, John Egle, Helen F. Egle, Donald Elsea, Elizabeth Ann Elsea, Billie Gibson, Edith Mae Gray, Bobette Grimm, Berlin Haller, Sandra A. Haller, Ronald Hinkley, Cathy Hinkley, Zev Hymowitz, Robert Johnson, Tracy Johnson, Carl Kliamovich, William Loftus, Jess Lowery, Frank Lujan, Minerva Lujan, Dionicio Luna, Lillian Manlove, Ginger Louise Nichols, James Paige, Janet Paige, Donald Pfaff, Shirley J. Pfaff, Michael Pietrzak, Alvie Qualls, Marion Inez Qualls, Kenneth Randolph, Beverly B. Randolph, Jerry C. Ranson, Elizabeth A. Ranson, Paul Richards, Robert Robinson, Carol Robinson, Gilberto Rodriguez, Mary Ramos Rodriguez, Allen Savva, Toni Savva, Charles Scott, Deborah Scott, Russell Shroyer, Susan Shroyer, Carl B. Smith, Caroline Sue Smith, Robert Smith, Joy Gail Smith, Rodney Snider, Phyllis Spitzmesser, Richard L. Spitzmesser, Dolores Spitznogle, James Paul Starcher, Pamela E. Starcher, Phillip Strear, Carole J. Strear, James Swiger, Frazier Thompson, Evelyn Thompson, Anthony Williams,

ORDER

Daniela Williams, Emily Wilson, Fred Yerger, Donna M. Yerger, Wanda Armstrong, Manuel Bendersky, Doris Bendersky, Charles Devenport, Berta Devenport, Henry Espinoza, Helen Espinoza, Charles Hunter, Walter Leapline, Agnes Tekach, Robert Tekach, Anthony Veltri, and Donald Lefti,

Plaintiffs,

v. Civil No. 07-2300 (DWF/AJB)

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

Defendants.

(as to Plaintiffs James Paige and Janet Paige only)

Mary J. Williams, Esq., and Barry Hill, Esq., Hill Williams PLLC; D. Andrew List, Esq., Clark Perdue Arnold & Scott Co LPA; James C. Peterson, Esq., Hill Peterson Carper Bee & Deitzler, PLLC; and Thomas R. Anapol, Esq., Anapol, Schwartz, Weiss, Cohan, Feldman & Smalley, counsel for Plaintiffs.

Debbie Moeller, Esq., Shook Hardy & Bacon LLP, and Joseph M. Price, Esq., Faegre & Benson LLP, counsel for Defendants.

The Hill Williams PLLC law firm; the Clark Perdue Arnold & Scott Co LPA law firm; the Hill Peterson Carper Bee & Deitzler, PLLC, law firm; and the Anapol, Schwartz, Weiss, Cohan, Feldman & Smalley law firm commenced this action on May 14, 2007, on behalf of Plaintiffs James Paige and Janet Page (“Plaintiffs”). On April 28, 2008, Plaintiffs’ counsel, Mary J. Williams, Esq., and Barry Hill, Esq., from the Hill Williams

PLLC law firm, filed an Application to Withdraw as Counsel of Record for James Paige and Janet Paige (MDL No. 05-1708 (DWF/AJB), Doc. No. 2795; Civ. No. 07-2300 (DWF/AJB), Doc. No. 7) on behalf of their law firm and the firms of Clark Perdue Arnold & Scott Co LPA; Hill Peterson Carper Bee & Deitzler, PLLC; and Anapol, Schwartz, Weiss, Cohan, Feldman & Smalley. In a letter dated May 5, 2008, the Court allowed Plaintiffs 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 Plaintiffs.

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). Counsel asserts that despite multiple and diligent efforts by counsel to contact their clients and obtain their signed release of the defendant in this matter, Plaintiffs, after previously agreeing to participate in the settlement, now refuse to sign the required release and will not communicate any further with counsel. Plaintiffs have advised the Hill Williams firm that their case is “no longer our problem” and they will proceed without representation.

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 Hill Williams PLLC law firm; the Clark Perdue Arnold & Scott Co LPA law firm; the Hill Peterson Carper Bee & Deitzler, PLLC, law firm; and the Anapol, Schwartz, Weiss, Cohan, Feldman & Smalley law firm to withdraw from representing Plaintiffs. The Court concludes that Plaintiffs’ interests are best served if they are allowed to find new counsel to represent them.

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

1. The Application to Withdraw as Counsel of Record (MDL No. 05-1708 (DWF/AJB), Doc. No. 2795; Civ. No. 07-2300, Doc. No. 7) is **GRANTED**.

2. The Hill Williams PLLC law firm; the Clark Perdue Arnold & Scott Co LPA law firm; the Hill Peterson Carper Bee & Deitzler, PLLC, law firm; and the Anapol, Schwartz, Weiss, Cohan, Feldman & Smalley law firm shall inform Plaintiffs James Paige and Janet Paige of the substance of this Order (by U.S. Mail) and provide them with the contact information for Guidant and the Plaintiffs' Lead Counsel Committee. It shall also attempt to provide Plaintiff with their file and all case documents, at no cost to them.

3. The Hill Williams PLLC law firm; the Clark Perdue Arnold & Scott Co LPA law firm; the Hill Peterson Carper Bee & Deitzler, PLLC, law firm; and the Anapol, Schwartz, Weiss, Cohan, Feldman & Smalley law firm shall provide Guidant and the Plaintiffs' Lead Counsel Committee with Plaintiffs' current contact information, including mailing address, telephone numbers, and e-mail address.

4. Plaintiffs are encouraged to immediately seek new counsel. If they cannot afford to do so, the Court encourages them to investigate the possibility of a volunteer attorney service in their area. The Court also encourages Plaintiffs to contact MDL Plaintiff Attorney Elizabeth Peterson at 612-341-0400 to discuss their options under the Master Settlement Agreement.

5. The Clerk of Court shall mail a copy of this Order to James C. Paige and Janet Paige, 719 Country Club Road, Fairmont, WV 26554.

Dated: May 16, 2008

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