

**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:

James Caico and Marcos Rodriguez,

Plaintiffs,

v. Civil No. 06-4964 (DWF/AJB)

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

Defendants.

(as to Plaintiff James Caico only)

ORDER

Daniel E. Becnel, Jr., Esq., Law Offices of Daniel E. Becnel; and Melanie H. Muhlstock, Esq., Parker & Waichman, LLP, counsel for Plaintiff.

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

The Becnel Law Firm, L.L.C., and the Parker & Waichman, LLP, law firm commenced this action on December 20, 2006, on behalf of Plaintiff James Caico (“Plaintiff”). On April 25, 2008, Plaintiff’s counsel, Daniel E. Becnel, Jr., Esq., on behalf of the Becnel Law Firm, L.L.C., and Melanie Muhlstock, Esq., and the Park &

Waichman, LLP, law firm, filed a Motion to Withdraw as Counsel of Record (Civ. No. 07-4964 (DWF/AJB), Doc. No. 4).¹ In a letter dated May 5, 2008, the Court allowed Plaintiff to respond in writing to the motion within one week. At least one copy of that letter was returned to the court “RETURN TO SENDER ATTEMPTED – NOT KNOWN UNABLE TO FORWARD,” and, as of the date of this Order, the Court has not received a response from Plaintiff.

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 Plaintiff has failed to respond to any and all communication attempts regarding the upcoming deadlines in his case.

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 Becnel Law Firm, L.L.C., and the Parker Waichman, LLP, law firm to withdraw from representing Plaintiff. The Court concludes that Plaintiff’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 (Civ. No. 06-4964, Doc. No. 4) is **GRANTED**.

¹ Counsel for Plaintiff filed the Application to Withdraw as Counsel of Record in the individual case (Civil No. 06-4964 (DWF/AJB), Doc. No. 4). The motion should also have been filed in the master case, MDL 05-1708 (DWF/AJB).

2. The Becnel Law Firm, L.L.C., and the Parker Waichman, LLP, law firm shall inform Plaintiff James Caico 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 Plaintiff with his file and all case documents, at no cost to him.

3. The Becnel Law Firm, L.L.C., and the Parker Waichman, LLP, law firm shall provide Guidant and the Plaintiffs' Lead Counsel Committee with Plaintiff's current contact information, including mailing address, telephone numbers, and e-mail address.

4. Plaintiff 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 Plaintiff 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 Caico 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

Dated: May 16, 2008

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