

**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 Baron, Thomas Curriere, Kenneth S.
Gardner, Evelyth Johnson, Ronald Lewis,
Michael Melton, and Mario Stefanelli,

Plaintiffs,

v. Civil No. 07-2824 (DWF/AJB)

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

Defendants.

(as to Plaintiff Thomas Curriere only)

ORDER

Carlose A. Prietto, III, Esq., Mark P. Robinson, Jr., Esq., and Ted B. Wacker, Esq.,
Robinson Calcagnie & Robinson, counsel for Plaintiffs.

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

The Robinson Calcagnie & Robinson law firm commenced this action on June 13,
2007, on behalf of Plaintiff Thomas Curriere (“Plaintiff”). On May 1, 2008, Plaintiff’s
counsel, Mark P. Robinson, Jr., filed an Application to Withdraw as Counsel of Record

(Civ. No. 07-2824 (DWF/AJB), Doc. No. 4¹) on behalf of his law firm, Robinson Calcagnie & Robinson. In a letter dated May 9, 2008, the Court allowed Plaintiff to respond in writing to the motion within one week. As of the date of this Order, no response has been received 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). Mark P. Robinson, Jr., Esq., asserts that despite multiple and diligent efforts by counsel to contact Plaintiff and obtain his signed release of the Defendant in this matter, Plaintiff, having originally verbally agreed to participate in the settlement, now advises that he refuses to sign the required release and intends to proceed “*Pro Se*.” Plaintiff was advised on March 14 and April 28, 2008, in conversations with counsel and referring counsel and in writing on those same dates, that counsel intends to withdraw from representation, and Plaintiff acknowledges the same.

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 Robinson Calcagnie & Robinson 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.

¹ Counsel for Plaintiff filed the Application to Withdraw as Counsel of Record only in the individual case (Civil No. 07-2824 (DWF/AJB), Doc. No. 4). The application should also have been filed in the master case, MDL 05-1708 (DWF/AJB).

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

1. The Application to Withdraw as Counsel of Record (Civ. No. 07-2824, Doc. No. 6) is **GRANTED**.

2. The Robinson Calcagnie & Robinson law firm shall inform Plaintiff Thomas Curriere 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. They shall also attempt to provide Plaintiff with his file and all case documents, at no cost to him.

3. The Robinson Calcagnie & Robinson 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 Thomas Curriere, 24600 Old Forge Lane, Apt. 43, Las Vegas, NV 89121.

Dated: May 28, 2008

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