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**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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In Re: GUIDANT CORP. IMPLANTABLE  
DEFIBRILATORS PRODUCTS LIABILITY  
LITIGATION

MDL No. 05-1708 DWF/AJB

KEVIN ELIANDER,

Plaintiff,

Case No: 07-cv-01092 DWF/AJB

v.

GUIDANT CORPORATION, et al.,

Defendants.

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**MOTION TO WITHDRAW AS COUNSEL OF RECORD WITHOUT SUBSTITUTION**

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Pursuant to Rule 83.7(c) of the Local Rules of the United States District Court for the District of Minnesota, the undersigned attorney hereby requests the Court and counsel that SimmonsCooper LLC, currently listed as counsel of record for plaintiff Kevin Eliander wishes to withdraw as counsel for Plaintiff Kevin Eliander in this case for the following reasons:

Despite multiple attempts and diligent efforts by counsel to obtain Plaintiff's signed release of the defendant in this matter, Plaintiff has not signed the required release. Plaintiff's failure to sign has created irreconcilable differences with counsel, and counsel's continued representation of Plaintiff would impose an unreasonable financial burden on counsel.

This office has communicated with the client, Kevin Eliander, has informed him of our intent to withdraw as counsel of record, and has served him with a copy of the Motion to Withdraw simultaneously with the filing of this motion with the Court.

Dated: June 10, 2008



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Steven D. Davis  
SimmonsCooper LLC  
707 Berkshire Blvd.  
East Alton, Illinois 62024  
Ph: 618-259-2222  
Fax: 618-259-2251

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**CERTIFICATE OF SERVICE**

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I certify that a copy of the Motion to Withdraw as Counsel of Record Without Substitution was filed and served on this 10th day of June, 2008, on all counsel of record through the court's ECF service and upon the plaintiff Kevin Eliander at his last known address of:

*Kevin S. Eliander  
29 Robinson Street  
Newnan, GA 30263*

Dated: June 10, 2008



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