
**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

In Re: GUIDANT CORP. IMPLANTABLE
DEFIBRILATORS PRODUCTS LIABILITY
LITIGATION

MDL No. 05-1708 DWF/AJB

VIRGIL CALDWELL, et al.,

Plaintiff(s),

Case No: 06-cv-03741 DWF/AJB

v.

GUIDANT CORPORATION, et al.,

Defendant(s).

**MOTION TO WITHDRAW AS COUNSEL OF RECORD WITHOUT SUBSTITUTION
FOR PLAINTIFFS WILLIAM F. NAPOLITANO JR. AND JO ANN NAPOLITANO *ONLY***

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 plaintiffs William F. Napolitano Jr. and Jo Ann Napolitano wishes to withdraw as counsel for Plaintiffs William F. Napolitano Jr. and Jo Ann Napolitano in this case for the following reasons:

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

This office has communicated with the clients, William and Jo Ann Napolitano, has informed them of our intent to withdraw as counsel of record, and has served them 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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CERTIFICATE OF SERVICE

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 plaintiffs William F. Napolitano Jr. and Jo Ann Napolitano at their last known address of:

*William F. Napolitano, Jr.
Jo Ann Napolitano
3118 N Juniperus Way
Beverly Hills, FL 34465*

Dated: June 10, 2008



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