
UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Nicholas Timko

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

Plaintiff(s)

MDL No: 0:05-md-01708-DWF-AJB

v.

Case No: 0:07-cv-02571-DWF-AJB

Guidant Corporation, et al.

Defendant(s)

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 Weitz & Luxenberg, P.C., currently listed as counsel of record for plaintiff Nicholas Timko wishes to withdraw as counsel for plaintiff Nicholas Timko in this case for the following reason(s):

Weitz & Luxenberg, P.C. and our client, Nicholas Timko, have reached a point whereas to the claims against Guidant Corporation, et al., it is unreasonably difficult for the lawyer to carry out employment effectively. Counsel Weitz & Luxenberg, P.C. has discussed with Plaintiff the status of the proceedings, the existence of a proposed settlement, the likely recovery under the settlement, the necessary steps to remain part of that settlement, the deadline for meeting the requirements for remaining part of the settlement, including the deadline for providing claimant's release and declaration.

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, Nicholas Timko, has informed him of our intent to withdraw as counsel of record, and has served him with a copy of this Application simultaneously with the filing of this Application with the Court.

Dated: 6/17/08



David Rosenband
Weitz & Luxenberg, P.C.
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New York, NY 10038
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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

Nicholas Timko
Plaintiff(s)

v.

Guidant Corporation, et al
Defendant(s)

CERTIFICATE OF SERVICE

MDL No.: *0:05-md-01708-DWF/AJB*

Case No.: *0:07-cv-02571-DWF/AJB*

I hereby certify that on (date), I caused the following documents:

Motion to Withdraw as Counsel of Record Without Substitution

to be filed electronically with the Clerk of Court through ECF.

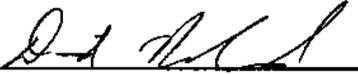
I further certify that I caused a copy of the foregoing documents and the notice of electronic filing to be mailed by first class mail, postage paid, to the following non-ECF participants:

*The Honorable Donovan W. Frank, USDJ
316 N Robert Street, Suite 700
St. Paul, MN 55101*

-and-

*Nicholas Timko
111 South Cliff St.
Butler, PA 16001*

Dated: June 17, 2008



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