

**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 ALL ACTIONS

**ORDER**

This multi-district litigation (“MDL”) commenced in November 2005 when the Judicial Panel on Multidistrict Litigation consolidated certain actions and transferred them to the District of Minnesota for pre-trial proceedings against Defendants Guidant Corporation, Guidant Sales Corporation, and Cardiac Pacemakers, Inc. (collectively, “Guidant”). These actions were brought for injuries alleged to have been caused by certain defective implantable defibrillator devices and pacemakers manufactured by Guidant.

Subsequently, the below-listed Plaintiffs, by and through their attorneys/law firms, joined the MDL by filing suit against Guidant. In July 2007, the Plaintiffs Lead Counsel Committee and Guidant entered into a Master Settlement Agreement that requires, among other things, individual plaintiffs to affirmatively state whether they wish to participate in the settlement by completing and signing certain documents.

The attorneys/law firms for the below-listed Plaintiffs have now filed Motions for Withdrawal of Counsel Without Substitution pursuant to District of Minnesota Local Rule 83.7(c). That rule provides “withdrawal without substitution may be granted only by a motion made before the Court, for *good cause shown*.” D. Minn. L.R. 83.7(c)

(emphasis added). In response to these motions, the Court sent the Plaintiffs letters, allowing them to respond in writing to the motions within one week after receiving the letter. The Court also gave Plaintiffs' Lead Counsel Committee and Guidant the opportunity to respond to the Motions for Withdrawal. As of the date of this Order, the Court has received a few responses from Plaintiffs, as indicated below. In addition, some of the letters have been returned as undeliverable or "Return to Sender—Attempted—Not Known—Unable to Forward—No Such Person."

The Court has reviewed the Motions for Withdrawal in which the attorneys/law firms explain either that (1) their clients have refused to sign the required releases, thereby creating irreconcilable differences with counsel or (2) they are unable to locate their clients at their last known addresses and/or unable to communicate with their clients about the releases because the clients do not respond to letters or telephone calls. Based on a review of the files and given the requirements necessary to proceed under the Master Settlement Agreement, the Court finds that good cause exists to allow the attorneys/law firms to withdraw from representing the below-listed Plaintiffs. The Court concludes that these Plaintiffs' interests are best served if they are allowed to find new counsel to represent them.

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

1. All Motions for Withdrawal listed below are **GRANTED**.
2. Each attorney/law firm shall provide a copy and inform each Plaintiff listed below of the substance of this Order (by U.S. Mail to the Plaintiff's most recent address) and provide them with the contact information for Guidant and the Plaintiffs' Lead

Counsel Committee. They shall also attempt to provide Plaintiffs with their files and all case documents, at no cost to them.

3. Each attorney/law firm shall provide Guidant and the Plaintiffs' Lead Counsel Committee with each Plaintiff's current and/or most recent contact information, including mailing address, telephone numbers, and e-mail address.

4. Plaintiffs are encouraged to immediately seek new counsel. If they cannot afford to do so, the Court encourages them to investigate the possibility of a volunteer attorney service in their area. The Court also encourages Plaintiffs to contact MDL Plaintiff Attorney Elizabeth Peterson at 612-341-0400 to discuss their options under the Master Settlement Agreement.

<b>Case Number and Plaintiff's Last Name</b>	<b>Docket Number in Individual</b>	<b>Docket Number in Master</b>	<b>Date of Court's Letters</b>
07-3825 (Cipolla)	11	3064	June 16, 2008
(Reese)	12	3065	June 16, 2008
(Tucker)	13	3075	June 16, 2008
(Noble)	14	3076	June 16, 2008
07-1338 (Shumway)	3	3067	June 16, 2008
07-1995 (Uhl)	4	----	June 16, 2008
06-4826 (Zaker)	14	3062	June 16, 2008
07-1091 (Tibbs)	7	3061	June 16, 2008
06-4419 (Redding) <sup>1</sup>	21	3059	June 16, 2008
06-4420 (Pagan) <sup>2</sup>	13	3058	June 16, 2008

<sup>1</sup> In an e-mail dated June 25, 2008, Mr. and Mrs. Redding informed the Court that they do not oppose the motion.

<sup>2</sup> In an e-mail dated June 19, 2008, Mr. and Mrs. Pagan informed the Court that they do not oppose the motion.

Case Number and Plaintiff's Last Name	Docket Number in Individual	Docket Number in Master	Date of Court's Letters
06-4826 (Newton)	13	3057	June 16, 2008
06-3741 (Napolitano)	13	3056	June 16, 2008
06-4826 (Koneski)	12	3055	June 16, 2008
07-1092 (Eliander) <sup>3</sup>	7	3053	June 16, 2008
06-3676 (Constantine)	15	3052	June 16, 2008
07-1557 (Byrd)	8	3051	June 16, 2008
07-3825 (John Brown)	8	3049	June 16, 2008
(Canaday)	9	3050	June 16, 2008
07-3092 (Drummond)	3	----	June 16, 2008
07-3775 (Combs)	5	3043	June 16, 2008
07-2620 (Walters)	5	3044	June 16, 2008
07-2675 (Connell Pearce)	5	3045	June 16, 2008
07-2670 (Green)	5	3042	June 16, 2008
07-2155 (McCloney)	4	----	June 16, 2008

**IT IS SO ORDERED.**

Dated: July 1, 2008

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

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<sup>3</sup> In a fax dated June 23, 2008, Mr. Eliander informed the Court that he does not oppose the motion, and he expressed his serious frustrations with the settlement process. The Court is sympathetic to Mr. Eliander's concerns and assures him that the Court is working diligently to ensure that Plaintiffs recover an equitable amount as quickly as possible. A United States District Judge is prohibited from giving legal advice to anyone. Therefore, the Court urges Mr. Eliander to consult with an attorney or, if he cannot afford to do so, there may be a volunteer attorney service in his area.