

**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:

William J. Bassett, Susan Bassett, Carolyn Bried, Walter Bried, Paul Cagnato, Richard Crover, Barbara Crover, Stephen Dancause, Gloria Dancause, Gennaro Franzese, Estelle Glaser, Richard Godet, Joann Godet, Ralph McCarthy, Christina McCarthy, William Onusko, Olivio Onusko, Mark Ragusin, Elizabeth Schojan, William George Schojan, Carmine Tripoli, Alfred Wyatt, and Camille Wyatt,

Plaintiffs,

v. Civil No. 07-65 (DWF/AJB)

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

Defendants.

(as to Plaintiff Estelle Glaser only)

ORDER

Hunter J. Shkolnik, Esq., Rheingold Valet Rheingold Shkolnik & McCartney LLP, counsel for Plaintiff.

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

The Rheingold Valet Rheingold Shkolnik & McCartney LLP law firm commenced this action on January 4, 2007, on behalf of Plaintiff Estelle Glaser (“Plaintiff”). On April 28, 2008, Plaintiff’s counsel, Hunter J. Shkolnik, Esq., on behalf of the Rheingold Valet Rheingold Shkolnik & McCartney LLP law firm, filed an Application to Withdraw as Counsel of Record (Civ. No. 07-65 (DWF/AJB), Doc. No. 5¹). In a letter dated May 5, 2008, the Court allowed Plaintiff to respond in writing to the motion within one week. As of the date of this Order, the Court has not received a written response regarding the withdrawal of counsel from Plaintiff.²

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). Counsel asserts that Plaintiff is unwilling to cooperate with his law firm and want to discharge his law firm as legal counsel.

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 Rheingold Valet Rheingold Shkolnik & McCartney LLP law firm to withdraw from

¹ Counsel for Plaintiff filed the Application to Withdraw as Counsel of Record only in the individual case (Civil No. 07-65 (DWF/AJB), Doc. No. 5). The motion should also have been filed in the master case, MDL 05-1708 (DWF/AJB).

² Plaintiff contacted the Court by telephone on May 8, 2008. She explained that she needed additional time to respond to the Court’s letter. The Court’s clerk instructed Plaintiff that she needed to request a time extension in writing within the timeframe dictated in the Court’s May 5, 2008 letter. As of the date of this Order, the Court has not received a written request from Plaintiff.

representing Plaintiff. The Court concludes that Plaintiff's interests are best served if she is allowed to find new counsel to represent her.

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

1. The Application to Withdraw as Counsel of Record (Civ. No. 07-65 (DWF/AJB), Doc. No. 5) is **GRANTED**.
2. The Rheingold Valet Rheingold Shkolnik & McCartney LLP law firm shall inform Plaintiff Estelle Glasser of the substance of this Order (by U.S. Mail) and provide her with the contact information for Guidant and the Plaintiffs' Lead Counsel Committee. It shall also attempt to provide Plaintiff with her file and all case documents, at no cost to her.
3. The Rheingold Valet Rheingold Shkolnik & McCartney LLP 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 she cannot afford to do so, the Court encourages her to investigate the possibility of a volunteer attorney service in her area. The Court also encourages Plaintiff to contact MDL Plaintiff Attorney Elizabeth Peterson at 612-341-0400 to discuss her options under the Master Settlement Agreement.

5. The Clerk of Court shall mail a copy of this Order to Estelle Glaser, 74 Imperial Drive, Seldon, NY 11784.

Dated: August 5, 2008

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