

**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 not received any written responses regarding the withdrawal of counsel from any Plaintiff.¹ 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 therefore unable to communicate with them about the releases. 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**.

¹ Plaintiff Dwight Williams contacted the Court by telephone on June 20, 2008 and June 25, 2008. He explained his frustrations with his attorneys and his anticipated recovery amount. He told the Clerk that he would submit a response to the Court’s letter by facsimile. As of the date of this Order, the Court has not received a written request from Mr. Williams.

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.

Case Number and Plaintiff's Last Name	Docket Number in Individual	Docket Number in Master	Date of Court's Letters
07-1222 (Bennett)	18	3150	August 5, 2008
07-1220 (Don Lee)	17	3151	August 5, 2008
07-1217 (Schwartz)	29	3152	August 5, 2008
07-2914 (Sabel)	33	3153	August 5, 2008
07-2571 (Timko)	9	3107	June 20, 2008
06-3566 (Stafford)	13	3060	June 30, 2008
07-2633 (Dwight Williams)	5	3046	June 16, 2008

IT IS SO ORDERED.

Dated: August 19, 2008

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