

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:

Delbert M. Fields,

Plaintiff,

v. Civil No. 07- 2718(DWF/AJB)

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

Defendants.

ORDER

On June 10, 2008, Plaintiff's counsel, SimonsCooper LLC, filed a motion to withdraw as counsel for Plaintiff in which they explain that Plaintiff's refusal to sign the required documents under the Master Settlement Agreement has created irreconcilable differences with them. District of Minnesota Local Rule 83.7(c) provides that "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 the motion, the Court sent Plaintiff a letter, allowing him to respond in writing to the motion 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.

Plaintiff responded to the Court's letter stating that he does not believe that his anticipated settlement recovery is sufficient and that although he disagrees with his attorneys, he would like them to continue to represent him. The Court asked Plaintiff's counsel for an explanation as to how they arrived at Plaintiff's anticipated settlement recovery.

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 Plaintiff's counsel to withdraw from representing Fields. The Court concludes that these Fields' interests are best served if he is allowed to find new counsel to represent him.

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

1. The Application to Withdraw as Counsel of Record (MDL No. 05-1708 (DWF/AJB), Doc. No. 3054; Civ. No. 07-2718 (DWF/AJB), Doc. No. 5) is **GRANTED**.
2. Plaintiff's counsel shall inform Plaintiff of the substance of this Order (by U.S. Mail) and provide him with the contact information for Guidant and the Plaintiffs' Lead Counsel Committee. It shall also attempt to provide Plaintiff with his file and all case documents, at no cost to him.
3. Plaintiff's counsel 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. Fields is encouraged to immediately seek new counsel. If he cannot afford to do so, the Court encourages him to investigate the possibility of a volunteer attorney service in his area. The Court also encourages Plaintiff to contact MDL Plaintiff

Attorney Elizabeth Peterson at 612-341-0400 to discuss his options under the Master Settlement Agreement.

5. The Clerk of Court shall mail a copy of this Order to Plaintiff at his last known address.

Dated: September 8, 2008

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