

**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:

Edward Alexander, et al.,

Plaintiffs,

v. Civil No. 07-3825 (DWF/AJB)

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

Defendants.

(as to Plaintiff Raymond Hardge only)

ORDER

On June 11, 2008, Brown & Crouppen, P.C.; Seth S. Webb; Aylstock, Witkin, Kreis & Overholtz, PLLC; Barrios, Kingsdorf & Casteix, LLP; Lundy & Davis; and Andrus & Boudreaux, PLC filed a motion to withdraw as counsel for Plaintiff Raymond Hardge in which they explain that Hardge'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 Hardge 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.

Hardge submitted two documents to the Court. First, he submitted a letter objecting to the motion because he did not believe his anticipated recovery was sufficient. Plaintiff's counsel responded that Hardge's explanted device was not recalled, which therefore lowered the amount of Hardge's eligible recovery. Hardge responded to Plaintiff's counsel's reply by submitting copies of his medical records to the Court.

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 Hardge. The Court concludes that Hardge's 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. 3063; Civ. No. 07-3825 (DWF/AJB), Doc. No. 10) is **GRANTED**.

2. The Brown & Crouppen, P.C.; Seth S. Webb; Aylstock, Witkin, Kreis & Overholtz, PLLC; Barrios, Kingsdorf & Casteix, LLP; Lundy & Davis; and Andrus & Boudreaux, PLC law firms shall inform Hardge 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 Hardge with his file and all case documents, at no cost to him.

3. The Brown & Crouppen, P.C.; Seth S. Webb; Aylstock, Witkin, Kreis & Overholtz, PLLC; Barrios, Kingsdorf & Casteix, LLP; Lundy & Davis; and Andrus & Boudreaux, PLC law firms shall provide Guidant and the Plaintiffs' Lead Counsel Committee with Hardge's current contact information, including mailing address, telephone numbers, and e-mail address.

4. Hardge 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 Hardge 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 Hardge at his last known address, 4218 West Maffitt, St. Louis, Missouri 63113.

Dated: September 8, 2008

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