

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

IN RE: GUIDANT, INC. IMPLANTABLE)	
DEFIBRILLATORS PRODUCTS)	MDL No: 05-1708 (DWF/AJB)
LIABILITY LITIGATION)	
)	Case No. 07-cv-2296
This pleading relates to:)	
RODOLFO G. ESPINOSA)	MOTION TO WITHDRAW AS
Plaintiff(s))	COUNSEL OF RECORD WITHOUT
)	SUBSTITUTION FOR
vs.)	PLAINTIFF RODOLFO G. ESPINOSA
)	
GUIDANT CORPORATION, ET AL)	
Defendant(s))	
)	

**MOTION TO WITHDRAW AS COUNSEL OF RECORDS WITHOUT
SUBSTITUTION FOR PLAINTIFF RODOLFO G. ESPINOSA**

Pursuant to Rule 83.7(b) of the Local Rules of the United States District Court for the District of Minnesota, counsel for Rodolfo G. Espinosa, Matthew E. Lundy, Lundy & Davis, L.L.P.; Aylstock, Witkin, Kreis & Overholtz, PLLC; Barrios, Kingsdorf & Casteix, LLP; Andrus & Boudreaux, PLC; Neblett, Beard & Arsenault; and all other attorneys of record in this matter hereby request the Court and counsel allow for the withdrawal as counsel of record for Rodolfo G. Espinosa. The undersigned currently are listed as counsel for Rodolfo G. Espinosa and of counsel and hereby request withdrawal and in support thereof state:

Counsel has discussed with Plaintiff the status of proceedings, the existence of a proposed settlement, the likely recovery under the settlement, the necessary steps to remain part of that settlement, the deadline for providing claimant’s release and declaration. Plaintiff has refused to provide release of the defendant in this matter. Plaintiff’s failure to sign has created irreconcilable differences with counsel.

A copy of this motion will be served upon Plaintiff at his last known address of 504 Lillian, Dallas, TX 75211.

Dated: September 11, 2008

Respectfully submitted,
LUNDY & DAVIS, L.L.P.

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OF COUNSEL FOR PLAINTIFF
RODOLFO G. ESPINOSA

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion to Withdraw As Counsel of Record Without Substitution has been filed electronically on this 11th day of September 2008 using the Court's CM/ECF system and sent via USPS Certified Mail to Plaintiff Rodolfo G. Espinosa as his last known address of:

504 Lillian
Dallas, TX 75211

Dated: September 11, 2008

Respectfully submitted,
LUNDY & DAVIS, L.L.P.

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