

**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

In its August 21, 2008 Order (MDL No. 05-1708 (DWF/AJB), Doc. No. 3201), the Court reserved the right to require certain individual attorneys and/or their law firms to pay fees to the Common Cost Fund as a sanction for their behavior if the Court determines that these firms have contributed to the common detriment of the MDL. The Law Office of Patrick J Mulligan, PC (the “Mulligan Law Firm”) has filed well over seventy motions to withdraw as counsel for their clients, asserting that “despite multiple attempts and diligent efforts,” their clients’ failures to sign releases have created irreconcilable differences with counsel. In response to these motions, the Court sent letters to the clients, asking them to respond to the Mulligan Law Firm’s request to withdraw as counsel. In at least three of these cases,¹ the clients have informed the Court that they have received no communication from the Mulligan Law Firm, even when the clients themselves repeatedly contacted the Mulligan Law Firm. (*See, e.g.*, Karen A. Navarro’s October 25, 2008 letter, attached as Exhibit A to this Order.)

¹ Specifically, Plaintiffs Cruz and Taylor in Civ. No. 07-2913 (DWF/AJB) and Plaintiff Warren in Civ. No. 07-2407 (DWF/AJB).

These alleged failures to communicate have contributed to the common detriment of the MDL by causing the Court, Guidant, and the PLC to expend a great deal of time and money dealing with the motions to withdraw. And such failures erode the trust of the Court, the legal community, and the non-lawyering public, as well as damage the integrity of the MDL process. Therefore, under the Court's inherent authority, the Court directs the Mulligan Law Firm to pay \$1,000 to the Common Cost Fund for the expenses incurred as a result of the Mulligan Law Firm's Motion to Withdraw as Counsel for Ruth Taylor.² The Mulligan Law Firm shall contact the PLC to effectuate this deposit.

IT IS SO ORDERED.

Dated: November 6, 2008

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

² The Court reserves the right to order the Mulligan Law Firm and/or other plaintiffs' counsel to pay additional sums to the Common Cost Fund if the Court determines from responses to Motions to Withdraw as Counsel that certain attorneys' actions have contributed to the common detriment of the MDL.