

**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:

Harry Adair, et al.,

Plaintiffs,

v. Civil No. 07-2914 (DWF/AJB)

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

Defendants.

(as to Plaintiff Charles Jones only)

ORDER

Eric N. Roberson, Esq., Patrick J. Mulligan, Esq., and Reid Stewart, Esq., The Mulligan Law Firm, counsel for Plaintiff.

Debbie Moeller, Esq., Shook Hardy & Bacon LLP, and Joseph M. Price, Esq., Faegre & Benson LLP, counsel for Defendants.

The Mulligan Law Firm commenced this action on June 15, 2007, on behalf of Plaintiff Charles Jones (“Plaintiff”). On May 19, 2008¹, Plaintiff’s counsel, Patrick J.

¹ Counsel for Plaintiff filed the Application to Withdraw as Counsel of Record in the master case, MDL No. 05-1708 (DWF/AJB), Doc. No. 2925, on May 20, 2009, a day
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Mulligan, on behalf of the Mulligan Law Firm, filed an Application to Withdraw as Counsel of Record (MDL No. 05-1708, Doc. No. 2925, Civ. No. 07-2914 (DWF/AJB), Doc. No. 9). In a letter dated June 3, 2008, the Court allowed Plaintiff to respond in writing to the motion within one week. As of the date of this Order, the Court has not received a written response regarding the withdrawal of counsel from Plaintiff.

An attorney may be permitted to withdraw as counsel of record only by order of the Court. D. Minn. LR 83.7(a). “Withdrawal without substitution may be granted only by a motion before the Court, for good cause shown.” D. Minn. LR 83.7(c). Counsel asserts that Plaintiff is unwilling to cooperate with his law firm and wants to discharge his law firm as legal counsel.

Based on a review of the file, and given the requirements necessary to proceed under the Master Settlement Agreement, the Court finds that good cause exists to allow The Mulligan Law Firm to withdraw from representing Plaintiff. The Court concludes that Plaintiff’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, Doc. No. 2925, Civ. No. 07-2914, Doc. No. 9) is **GRANTED**.

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later than when counsel for Plaintiff filed the Application to Withdraw as Counsel of Record in the individual case, Civ. No. 07-2914 (DWF/AJB), Doc. No. 9.

2. The Mulligan Law Firm shall inform Plaintiff Charles Jones 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. The Mulligan Law Firm 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. Plaintiff 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 1-800-755-0098 to discuss his options under the Master Settlement Agreement.

5. The Clerk of Court shall mail a copy of this Order to Charles Jones, 170 South Spring Street, Blythe, CA 92225.

Dated: January 16, 2009

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