

**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:

Melita Bena and Lawrence Bena, by and
through Melita Bena, his successor in interest,
and Donald Dobbs,

Plaintiffs,

v. Civil No. 07-08 (DWF/AJB)

Guidant Corporation; Guidant Sales
Corporation; Cardiac Pacemakers Inc.;
Devices for Vascular Intervention, Inc.; Heart
Rhythm Technologies, Inc.; Origin
Medsystems, Inc.; Minimally Invasice
Systems Group; and Boston Scientific
Corporation,

Defendants.

(as to Plaintiff Donald Dobbs only)

**ORDER FOR DISMISSAL
WITHOUT PREJUDICE**

Plaintiff Donald Dobbs, by and through his counsel, filed a Notice of Voluntary Dismissal Without Prejudice on April 26, 2007 (MDL 05-1708 (DWF/AJB), Doc. No. 1645)¹ pursuant to Federal Rule of Civil Procedure 41 with respect to his claims against Defendants Guidant Corporation; Guidant Sales Corporation; Cardiac

Pacemakers, Inc.; Devices for Vascular Intervention, Inc.; Heart Rhythm Technologies, Inc.; Origin Medsystems, Inc.; Minimally Invasive Systems Group; and Boston Scientific Corporation. As a result of an oversight, the Court did not include Mr. Dobbs on the Order that dismissed the claims of the other Plaintiffs included on Mr. Dobbs' Notice of Voluntary Dismissal. (*See* MDL 05-1708, Doc. No. 1693.) After consideration of the submissions and review of the procedural history of the file,

IT IS HEREBY ORDERED:

1. Plaintiff Donald Dobbs' claims against Defendants Guidant Corporation; Guidant Sales Corporation; Cardiac Pacemakers, Inc.; Devices for Vascular Intervention, Inc.; Heart Rhythm Technologies, Inc.; Origin Medsystems, Inc.; Minimally Invasive Systems Group; and Boston Scientific Corporation, expressed in the Complaint (Civil No. 07-08 (DWF/AJB), Doc. No. 1) are **DISMISSED WITHOUT PREJUDICE**.

2. Each party to bear its own costs.

LET JUDGMENT BE ENTERED ACCORDINGLY WITH RESPECT TO PLAINTIFF DONALD DOBBS ONLY.

Dated: September 30, 2009

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

¹ Plaintiff filed his Notice of Voluntary Dismissal only in the master case MDL 05-1708 (DWF/AJB). He should have filed his Notice of Voluntary Dismissal in both the original case 07-08 (DWF/AJB) and the master case MDL 05-1708 (DWF/AJB).