

**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:

Michael Thorpe, et al.,

Plaintiff,

v. Civil No. 06-81 (DWF/AJB)

Guidant Corporation; *et al.*,

Defendants.

**ORDER REGARDING  
BARBARA THORPE**

This matter came before the Court on Defendants' Motion to Dismiss with Prejudice Claims of Barbara Thorpe. (Doc. No. [14].) On January 31, 2006, this Court ordered Plaintiffs to submit completed fact sheets within 30 days of that Order, or within 30 days of filing or docketing the case in this Court. By Order dated July 3, 2006, this Court dismissed with prejudice the claims of Plaintiff Michael Thorpe, a Guidant device recipient and husband to Barbara Thorpe, because he failed to provide a Plaintiff Fact Sheet despite the Court's Order and written notice. At that time, the parties inadvertently omitted reference to Michael Thorpe's spouse, Barbara Thorpe, in the proposed order submitted to the Court for dismissal of Michael Thorpe's claims. On October 28, 2009, Defendants requested that the Court issue an Order dismissing Barbara Thorpe's claims

with prejudice, due to her failure to respond to discovery and the Court's Order, as well as the derivative nature of her claims following the dismissal of Michael Thorpe's claims.

As noted in the Court's July 3, 2006 Order dismissing with prejudice the claims of Michael Thorpe, Plaintiffs' failure to comply with this Court's January 31, 2006 Order not only prejudices Defendants' ability to mount a defense, but also adversely impacts this Court's ability to manage the MDL 1708 docket in a just, efficient, and expeditious manner. Thus, **IT IS HEREBY ORDERED** that this matter as it relates to Plaintiff Barbara Thorpe is **DISMISSED WITH PREJUDICE** for failure to comply with the January 31, 2006 Order.

Dated: February 11, 2010

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