

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

In re: STRYKER REJUVENATE AND
ABG II HIP IMPLANT PRODUCTS
LIABILITY LITIGATION

MDL No. 13-2441 (DWF/FLN)

Thomas Toombs,

Plaintiff,

v. Civil No. 14-2874 (DWF/FLN)

Stryker Corporation, Howmedica Osteonics
d/b/a Stryker Orthopaedics, and Stryker
Sales Corporation,

Defendants.

**ORDER GRANTING MOTION TO
WITHDRAW AS COUNSEL OF
RECORD WITHOUT SUBSTITUTION
FOR PLAINTIFF THOMAS TOOMBS**

On January 4, 2017, Thomas Toombs’s counsel Leslie W. O’Leary and Douglas Schaller of Johnson Johnson & Schaller, PC filed a Motion to Withdraw as Counsel Without Substitution For Plaintiff Thomas Toombs (Civil No. 14-2874 (DWF/FLN), Doc. No. 10).¹ Toombs was sent a copy of this motion by letter and e-mail on December 4, 2016. (Doc. No. 10-2.) In a letter dated December 3, 2016, Toombs wrote that he “no longer need[s] Johnson, Johnson, Schaller P.C. [sic] to represent [him] in the . . . Stryker Litigation.” (Doc. No. 10-1.) Further, Toombs stated that he wishes to proceed without counsel while the litigation heads toward mediation or settlement. (*Id.*)

¹ Plaintiff’s counsel filed the Motion to Withdraw as Counsel Without Substitution For Plaintiff Thomas Toombs in only the individual case (Civil No. 14-2874 (DWF/FLN), Doc. No. 10). The Motion should have been also filed in the master case, MDL 13-2441 (DWF/FLN).

“An attorney who seeks to withdraw otherwise than under LR 83.7(a) or (b) must move to withdraw and must show good cause,” and “[t]he attorney must notify his or her client of the motion.” D.Minn. LR 83.7(c). Based on a review of the file, the Court finds that good cause exists to allow Johnson Johnson & Schaller, PC. to withdraw from representing Toombs and that Toombs has been given notice of Johnson Johnson & Schaller, PC.’s motion.

Accordingly, **IT IS HEREBY ORDERED** that:

1. Johnson Johnson & Schaller, PC’s Motion to Withdraw as Counsel Without Substitution For Plaintiff Thomas Toombs (Civil No. 14-2874 (DWF/FLN), Doc. No. [10]) is **GRANTED**.

2. Johnson Johnson & Schaller, PC, shall inform Toombs of the substance of this Order (by U.S. Mail) and provide him with the contact information for the Stryker Lead Counsel Committee. It shall also provide Toombs with his file and all case documents, at no cost to him.

3. Johnson Johnson & Schaller, PC shall provide Defendants and Plaintiffs’ Lead Counsel Committee with Toombs current contact information, including mailing address, telephone numbers, and e-mail address.

4. The Clerk of Court shall mail a copy of this Order to Thomas G. Toombs at 1414 Bair Rd. N.E., Keizer, OR 97303 and shall docket his contact information as the same.

Dated: January 31, 2017

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