

**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:

Linda Garrison, individually and as
personal representative of the Estate of the
Decedent Bernard C. Garrison,

Plaintiff,

v. Civil No. 06-680 (DWF/AJB)

Guidant Corporation and Guidant Sales
Corporation,

Defendants.

**ORDER STRIKING PLAINTIFF'S
MOTION FOR LEAVE OF THE
COURT TO FILE FIRST
AMENDED COMPLAINT**

Garrison filed a Motion for Leave to File First Amended Complaint on November 30, 2006. (MDL 05-1708 (DWF/AJB), Doc. No. 963.) Pursuant to the Court's Order, Guidant filed its opposition to that motion on January 5, 2007. (MDL 05-1708 (DWF/AJB), Doc. No. 1068).¹ In that opposition, Guidant noted that Garrison did not need to seek leave to amend because Guidant had not yet submitted a responsive pleading. It also requested that Garrison's motion for leave, to which she attached her Amended Complaint, be stricken because it improperly contained Guidant's confidential information that was produced under the protective order entered in this

¹ Guidant could not file its opposition in the individual case because Garrison failed to file her motion in her individual case.

case. On January 11, 2007, Garrison withdrew her motion and filed an Amended Complaint under seal. (Civ. No. 06-680 (DWF/AJB), Doc. Nos. 4 and 5.)²

After consideration of the submissions and review of the procedural history of the file, **IT IS HEREBY ORDERED THAT:**

1. Garrison's Motion to File First Amended Complaint (MDL 05-1708 (DWF/AJB), Doc. No. 963) is **WITHDRAWN**.

2. The Clerk of Court is directed to **STRIKE FROM THE RECORD** Garrison's Motion to File First Amended Complaint (MDL 05-1708 (DWF/AJB), Doc. No. 963).

Dated: January 12, 2007

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

² Garrison did not file her motion to withdraw in MDL 05-1708, which she should have done. She did, however, contact the Court concerning whether she needed to file her Amended Complaint in MDL 05-1708, which the Court told her she did not need to do. The Court acknowledges that there is some confusion concerning what documents need to be filed in MDL 05-1708 and in the individual cases. The Court will raise this issue at the next status conference and issue an Order clarifying the filing requirements.