

EXHIBIT D

**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:

Pearl Russo,

Plaintiff,

v. Civil No. 06-5077 (DWF/AJB)

Guidant Corporation; Guidant Sales
Corporation; Cardiac Pacemakers Inc.;
Boston Scientific Corporation; St. Joseph
Hospital of Orange; and Does 1-100,
inclusive,

Defendants.

(as to Defendant St. Joseph Hospital of
Orange only)

**ORDER FOR DISMISSAL
WITHOUT PREJUDICE**

On March 1, 2007, Plaintiff Pearl Russo filed a Notice of Voluntary Dismissal (MDL No. 05-1708 (DWF/AJB), Doc. No. 1248)¹ pursuant to Federal Rule of Civil Procedure 41(a) with respect to his claims against Defendant St. Joseph Hospital of Orange. After consideration of the submissions and review of the procedural history of the file,

IT IS HEREBY ORDERED:

¹ Plaintiff filed its motion only in the master case. It should have filed its motion in both the original case Civil No. 06-5077 (DWF/AJB) and in MDL 05-1708 (DWF/AJB).

1. Plaintiff Pearl M. Russo's claims against Defendant St. Joseph Hospital of Orange expressed in the Complaint (Civil No. 06-5077 (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
DEFENDANT ST. JOSEPH HOSPITAL OF ORANGE ONLY.**

Dated: March 5, 2007

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