

**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:

Francis McConville and Virgilio Rabuco,

Plaintiffs,

v. Civil No. 06-5079 (DWF/AJB)

Guidant Corporation; Guidant Sales
Corporation; Cardiac Pacemakers, Inc.;
Boston Scientific Corporation; and Alta Bates
Summit Medical Center,

Defendants.

(as to Defendant Alta Bates Summit Medical
Center only)

**ORDER FOR DISMISSAL
WITH PREJUDICE**

Plaintiffs Francis McConville and Virgilio Rabuco, by and through their counsel, filed a Notice of Dismissal With Prejudice on April 12, 2007 (Civil No. 06-5079 (DWF/AJB), Doc. No. 3)¹ pursuant to Federal Rule of Civil Procedure 41 with respect to their claims against Defendant Alta Bates Summit Medical Center. After consideration of the submissions and review of the procedural history of the file,

¹ Plaintiffs filed their Notice of Voluntary Dismissal only in the original case Civil No. 06-5079 (DWF/AJB). They should have filed their Notice of Voluntary Dismissal in both the original case and the master case MDL 05-1708 (DWF/AJB).

IT IS HEREBY ORDERED:

1. Plaintiffs Francis McConville and Virgilio Rabuco's claims against Defendant Alta Bates Summit Medical Center expressed in the Complaint (Civil No. 06-0579 (DWF/AJB), Doc. No. 1) are **DISMISSED WITH PREJUDICE**.

2. Each party to bear its own costs.

**LET JUDGMENT BE ENTERED ACCORDINGLY WITH RESPECT OT
DEFENDANT ALTA BATES SUMMIT MEDICAL CENTER ONLY.**

Dated: April 30, 2007

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