

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

IN RE: GUIDANT CORP. IMPLANTABLE \* MDL NO. 05-1708 (DWF/AJB)  
DEFIBRILLATORS PRODUCTS \*  
LIABILITY LITIGATION \*  
\*

This pleading relates to: \*

REDGE WESTCOTT, III \* CASE NO. 06-CV-00046 (DWF/AJB)  
\*

Plaintiffs \*

versus \*

GUIDANT CORPORATION, ET AL. \*

Defendants \*

\*\*\*\*\*

MOTION TO DISMISS WITHOUT PREJUDICE

NOW COMES undersigned counsel and files this motion to dismiss the captioned action  
without prejudice as in non-suit, for the reasons set forth in the attached memorandum of law.

Respectfully submitted,

Dated: June 19, 2007

s/Lawrence S. Kullman  
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**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing has been filed electronically this 19<sup>th</sup> day of June, 2007, using the Court's CM/ECF system, which will notify all counsel of record.

s/Lawrence S. Kullman  
LAWRENCE S. KULLMAN