

June 8, 2006



Honorable Donovan W. Frank
Warren E. Berger Federal Building
316 N. Robert Street
Suite 700
St. Paul, Minnesota 55101

Timothy A. Pratt

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Re: *In Re Guidant Corp. Implantable Defibrillators Products Liability Litigation*
MDL No. 1708 (DWF/AJB)
Harold Haley vs. Guidant Corporation, et al. Case No. 06-01292
Notice of Withdrawal of Defendant's Motion to Dismiss for Failure to Comply with
This Court's January 31, 2006 Order

Dear Judge Frank:

Plaintiff's deadline to submit a Court-ordered Plaintiff's Fact Sheet ("PFS") was May 15, 2006. On May 25, 2006, Defendants Guidant Corporation, Cardiac Pacemakers, Inc., and Guidant Sales Corporation ("Defendants") electronically filed their Motion to Dismiss for Failure to Comply with This Court's January 31, 2006 Order ("Motion to Dismiss") because Plaintiff had not submitted to Defendants the Court-ordered PFS. On June 6, 2006, after Defendants had electronically filed their Motion to Dismiss, Defendant received Plaintiff's PFS. Accordingly, and after receiving permission to file this letter, Defendants hereby respectfully notify the Court of their intention to withdraw their Motion to Dismiss.

Respectfully submitted,

By: /s/ Timothy A. Pratt

cc: MDL Plaintiffs' Lead Counsel and Plaintiff's Individual Counsel (via electronic filing notification)

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