

September 11, 2006

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Honorable Donovan W. Frank
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Re: *In Re Guidant Corp. Implantable Defibrillators Products Liability Litigation*
MDL No. 1708 (DWF/AJB)

David Atchison vs. Guidant Corp., et al. Case No. 06-0043

Notice of Withdrawal of Defendants' First Motion to Compel Production of
Completed Plaintiff Fact Sheets and Executed Medical Records Authorizations

Dear Judge Frank:

On September 1, 2006, defendants Guidant Corporation, Guidant Sales Corporation and Cardiac Pacemakers, Inc. ("defendants") electronically filed their First Motion to Compel Production of Completed Plaintiff Fact Sheets and Executed Medical Records Authorizations ("Motion to Compel") as to 18 plaintiffs because those plaintiffs had not produced completed plaintiff fact sheets and/or provided properly executed medical records authorizations. Plaintiff David Atchison was included on the Motion to Compel because he had not provided a properly executed medical records authorization despite three written requests to do so from defendants.

Plaintiff has now provided a properly executed medical authorization for defendants' use in obtaining medical records in this case. Counsel for the parties have discussed this motion and the defendants agreed to withdraw the Motion to Compel as to plaintiff David Atchison. Accordingly, and after receiving permission to file this letter, defendants respectfully withdraw their First Motion to Compel Production of Completed Plaintiff Fact Sheets and Executed Medical Records Authorizations as to plaintiff David Atchison.

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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