

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

IN RE: GUIDANT CORP. IMPLANTABLE
DEFIBRILLATORS PRODUCTS
LIABILITY LITIGATION

MDL No. 05-1708(DWF/AJB)

This Pleading Relates Only To:
Nathan Smith v. Guidant Corp., et al.
Case No. 06-02160

NOTICE OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE

Pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, Plaintiff Nathan Smith hereby presents notice of the following:

1. Plaintiff Nathan Smith filed this action on March 1, 2006.
2. Rule 41(a)(1) of the Federal Rules of Civil Procedure provides that a Plaintiff may voluntarily dismiss his complaint without order of the court provided that he files a notice of dismissal prior to the defendant filing an answer or motion for summary judgment. Defendant Guidant Corporation has not filed an answer or a motion for summary judgment in this case.
3. Rule 41(a)(1) also provides that all such dismissals are without prejudice unless the Plaintiff has once dismissed in any court of the United States or of any state an action based on or including the same claim. Plaintiff Nathan Smith has never before dismissed in any court an action based on or including the claim at issue in this matter.
4. Pursuant to Rule 41(a)(1), Plaintiff Nathan Smith hereby voluntarily dismisses his claims against Guidant, without prejudice.

Date: November 15, 2006

Respectfully submitted,

WEISMAN, KENNEDY & BERRIS
CO., L.P.A.

/s/ Daniel P. Goetz
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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on November 15, 2006 the foregoing Notice Of Voluntary Dismissal Without Prejudice was electronically filed. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system.

/s/ Daniel P. Goetz
DANIEL P. GOETZ, ESQ. (0065549)

Attorney for Plaintiff