

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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In re:  
MEDTRONIC, INC.,  
SPRINT FIDELIS LEADS  
PRODUCTS LIABILITY LITIGATION

Multidistrict Litigation  
No. 08-1905 (RHK/JSM)

This document relates to:  
*Eugene F. Allen, et al. v. Medtronic, Inc., et al.*  
Case No. 09-cv-02581

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**ORDER FOR DISMISSAL WITH PREJUDICE**

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On June 14, 2011, the Court entered an Order (Docket No. 18) in this action directing Plaintiff(s) Rocio Dees to show cause, in writing, why his claims should not be dismissed with prejudice as a result of (i) the Eighth Circuit's ruling in Bryant v. Medtronic, Inc., 623 F.3d 1200 (8th Cir. 2010), (ii) this Court's January 2009 ruling in In re Medtronic, Inc., Sprint Fidelis Leads Products Liability Litigation, 592 F. Supp. 2d 1147 (D. Minn. 2009), dismissing the Master Consolidated Complaint on the grounds of preemption, and/or (iii) his failure or refusal to respond after due inquiry and good-faith diligence by his counsel.

As set forth in the Affidavit of Plaintiffs' Lead Counsel (Docket No. 23), the Order to Show Cause was sent to the above-referenced Plaintiff(s) at his last known address(es) in accordance with the Order to Show Cause. In addition, these Plaintiff(s) were advised (see Docket No. 24) that the Court would hold a hearing on the Order to Show Cause on August 4, 2011. Nevertheless, the above-referenced Plaintiff(s) failed to appear at the August 4, 2011 hearing or otherwise respond to the Order to Show Cause.

Based on the foregoing, and all the files, records, and proceedings herein, **IT IS ORDERED** that all claims and causes of action of Plaintiff(s) Rocio Dees in this action are **DISMISSED WITH PREJUDICE**.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

DATED: September 1, 2011

s/ Richard H. Kyle  
RICHARD H. KYLE  
United States District Judge