UNITED STATES DISTRICT COURT DISTRICT OF MINNESOTA

In re: MEDTRONIC, INC., SPRINT FIDELIS LEADS PRODUCTS LIABILITY LITIGATION Multidistrict Litigation No. 08-1905 (RHK/JSM)

This document relates to: *David Adams, et al. v. Medtronic, Inc., et al.* Case No. 09-cv-03239

ORDER FOR DISMISSAL WITH PREJUDICE

On June 14, 2011, the Court entered an Order (Docket No. 12) in this action directing Plaintiff(s) Angelo Demoso, Robert Durant, Jonah Guillory, Allen Harders, Eddie Karas, Milton Matlock, Frederick Pokoy, Linda Privette, Fred Shelton, Alfred Smith and Barbara Woolridge to show cause, in writing, why their claims should not be dismissed with prejudice as a result of (i) the Eighth Circuit's ruling in <u>Bryant v. Medtronic, Inc.</u>, 623 F.3d 1200 (8th Cir. 2010), (ii) this Court's January 2009 ruling in <u>In re Medtronic, Inc., Sprint Fidelis Leads Products Liability Litigation</u>, 592 F. Supp. 2d 1147 (D. Minn. 2009), dismissing the Master Consolidated Complaint on the grounds of preemption, and/or (iii) their failure or refusal to respond after due inquiry and good-faith diligence by their counsel.

As set forth in the Affidavit of Plaintiffs' Lead Counsel (Docket No. 18), the Order to Show Cause was sent to the above-referenced Plaintiff(s) at their last known address(es) in accordance with the Order to Show Cause. In addition, these Plaintiff(s) were advised (see Docket No. 21) 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) Angelo Demoso, Robert Durant,

Jonah Guillory, Allen Harders, Eddie Karas, Milton Matlock, Frederick Pokoy, Linda Privette,

Fred Shelton, Alfred Smith and Barbara Woolridge 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

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