

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

<hr/>	X	
MOUSSA YEROUSHALMI, Individually and	:	Case No.: 1:05-cv-00951-JDT-TAB
on Behalf of All Others Similarly Situated,	:	
	:	
Plaintiff,	:	
	:	
vs.	:	
	:	
GUIDANT CORPORATION, RONALD W.	:	
DOLLENS, KEITH E. BRAUER, GUIDO J.	:	
NEELS, BEVERLY H. LORREL, RONALD	:	
N. SPAULDING, and WILLIAM F.	:	
MCCONNEL JR.	:	
	:	
Defendants.	:	
<hr/>	X	

**MOUSSA YEROUSHALMI’S NOTICE OF WITHDRAWAL OF LEAD PLAINTIFF  
MOTION AND VOLUNTARY DISMISSAL OF ACTION WITHOUT PREJUDICE  
PURSUANT TO RULE 41(a)**

Plaintiff Moussa Yeroushalmi, by his attorneys, hereby withdraws his lead plaintiff motion and voluntarily dismisses this action, without prejudice, pursuant to Fed. R. Civ. P. 41(a). Pursuant to Rule 41(a), a plaintiff may dismiss her action “at any time before service by the adverse party of an answer or of a motion for summary judgment.” Defendants have not answered or moved for summary judgment in this matter and, accordingly, this action should be dismissed without prejudice.

WHEREFORE, the Plaintiff, by counsel, respectfully requests that the Court enter an Order confirming the dismissal of the above-captioned case without prejudice.

DATED: October 24, 2005

Respectfully submitted,

/s/ Scott D. Gilchrist

---

Irwin B. Levin  
Richard E. Shevitz  
Scott D. Gilchrist  
**COHEN & MALAD, LLP**  
One Indiana Square, Suite 1400  
Indianapolis, IN 46204  
Telephone: (317) 636-6481  
Facsimile: (317) 636-2593  
[ilevin@cohenandmalad.com](mailto:ilevin@cohenandmalad.com)  
[rshevitz@cohenandmalad.com](mailto:rshevitz@cohenandmalad.com)  
[sgilchrist@cohenandmalad.com](mailto:sgilchrist@cohenandmalad.com)

David R. Scott  
Neil Rothstein  
**SCOTT + SCOTT, LLC**  
108 Norwich Ave.  
PO Box 192  
Colchester, CT 06415  
Telephone (860) 537-5537  
(860) 537-4432 (fax)

-and-

Arthur L. Shingler, III  
**SCOTT + SCOTT, LLC**  
401 B Street, Suite 1600  
San Diego, CA 92101-4297  
Telephone: (619) 233-4565  
(619) 233-0508 (fax)

*Counsel for the Plaintiff*

**CERTIFICATE OF SERVICE**

I hereby certify that on October 24, 2005, a copy of the foregoing Notice of Withdrawal of Lead Plaintiff Motion and Voluntary Dismissal of Action Without Prejudice Pursuant to Rule 41(a) was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

Irwin B. Levin  
COHEN & MALAD, LLP  
ilevin@cohenandmalad.com

James H. Ham, III  
BAKER & DANIELS  
jhham@bakerd.com

Richard E. Shevitz  
COHEN & MALAD, LLP  
rshevitz@cohenandmalad.com

John R. Schaibley, III  
BAKER & DANIELS  
jrschaib@bakerd.com

Scott D. Gilchrist  
COHEN & MALAD, LLP  
sgilchrist@cohenandmalad.com

Keith E. Eggleton  
WILSON SONSINI GOODRICH & ROSATI  
keggleton@wsgr.com

Boris Feldman  
WILSON SONSINI GOODRICH & ROSATI  
boris.feldman@wsgr.com

Meredith E. Kotler  
WILSON SONSINI GOODRICH & ROSATI  
mkotler@wsgr.com

Nina F. Locker  
WILSON SONSINI GOODRICH & ROSATI  
nlocker@wsgr.com

I hereby certify that on October 24, 2005, a copy of the foregoing Notice of Withdrawal of Lead Plaintiff Motion and Voluntary Dismissal of Action Without Prejudice Pursuant to Rule 41(a) was mailed, by first-class U.S. Mail, postage prepaid and properly addressed to the following:

David R. Scott  
Neil Rothstein  
SCOTT + SCOTT, LLC  
108 Norwich Ave.  
P.O. Box 192  
Colchester, CT 06415

Arthur L. Shingler  
SCOTT + SCOTT, LLC  
401 B St., Ste. 307  
San Diego, CA 92101

/s/ Scott D. Gilchrist  
Scott D. Gilchrist  
COHEN & MALAD, LLP  
One Indiana Square, Suite 1400  
Indianapolis, IN 46204  
Telephone: (317) 636-6481  
Facsimile: (317) 636-2593  
E-mail: [sgilchrist@cohenandmalad.com](mailto:sgilchrist@cohenandmalad.com)

***Counsel for Plaintiff***

