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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION

12 IN RE: BEXTRA AND CELEBREX
13 MARKETING SALES PRACTICES AND
14 PRODUCT LIABILITY LITIGATION

Case No. : 05-4780 CRB

MDL NO. 1699

District Judge: Charles R. Breyer

15 Geraldine Aellig, as wrongful death Beneficiary
16 of the Estate of Vernon K. Aellig, et al.,

Plaintiffs

17 vs.

**AMENDED STIPULATION AND
ORDER OF DISMISSAL WITH
PREJUDICE**

18 G.D. Searle, LLC., et al.,

19 Defendants.
20

21 Come now the Plaintiffs Geraldine Aellig, as wrongful death Beneficiary of the Estate of
22 Vernon K. Aellig, Heather D. Albright, Robert L. Bond, as wrongful death Beneficiary of the
23 Estate of Katherine G. Bond, Deceased, Bernice S. Boone, Richard M. Brown, Monroe G.
24 Combs, Nancy L. Danko, Sharon Farrey, as wrongful death Beneficiary of the Estate of Florida
25 M. Farrey, Deceased, Carol J. Gleason, Margaret Hogston, as wrongful death Beneficiary of the
26 Estate of Elden F. Hogston, Deceased, Jacqueline M. Keach, Rowe W. Maxwell, Sr., Frances M.
27 Montford, Sonnie Smith, as wrongful death Beneficiary of the Estate of Terry D. Smith,
28 Deceased, Mickey F. Thomas, and Lorena J. Webster, in the above-entitled action and

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STIPULATION AND ORDER OF DISMISSAL WITH PREJUDICE

EAST42595324.1

1 Defendants, by and through the undersigned attorneys, pursuant to Federal Rule of Civil
2 Procedure, Rule 41(a), and hereby stipulate to the dismissal of this action **with prejudice** as to
3 the plaintiffs named herein only with each side bearing its own attorneys' fees and costs.
4

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6
7 DATED: 11-16, 2009

By: 

8 **DYER, GAROFALO, MANN & SCHULTZ,**
9 **L.P.A.**

10 131 North Ludlow Street,
Suite 1400

11 Dayton, OH 45402

Telephone: 937-223-8888

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12 *Attorneys for Plaintiffs*

13
14 DATED: Dec. 16, 2009

By: 

15 **DLA PIPER LLP (US)**

16 1251 Avenue of the Americas

17 New York, New York 10020

Telephone: 212-335-4500

18 Facsimile: 212-335-4501

19 *Defendants' Liaison Counsel*

20
21 **PURSUANT TO THE TERMS ~~SET FORTH~~ IN THE PARTIES' STIPULATION,**
22 **IT IS SO ORDERED.**

23 Dated: JAN - 4 2010

24 
Hon. Charles R. Breyer

25 United States District Court
26
27
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