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

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

**Case No. : 05-4783 CRB**  
**MDL NO. 1699**  
**District Judge: Charles R. Breyer**

14  
15 Curtis McEldowney, et al.,

Plaintiffs

16 vs.  
17

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

19 Defendants.  
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**STIPULATION AND ORDER OF  
DISMISSAL WITH PREJUDICE**

21 Come now the Plaintiffs Lloyd E. Mendenhall, Naomi Miller, Beneficiary of the Estate of  
22 Ralph D. Miller, Teresa Milton, Beneficiary of the Estate of Ronald L. Milton, Carrie Monk,  
23 Beneficiary of the Estate of Nellie Monk, Donald J. Nall, Charles R. Nelson, Mary Ann Orton,  
24 Mary M. Parish, Beverly J. Perrin, Jack L. Powell, Orvida J. Proffitt, William J. Redmon, Jan H.  
25 Schoenhoest, Greg A. Sears, Helen Sizemore, Bertie L. Skok, David M. Smith, Rodney  
26 Sommerville, Bernie A. Stone, Herbert H. Stoops, Wanda M. Talley, Eula Williams, Beryl  
27 Wilson, Beneficiary of the Estate of Douglas L. Wilson, John A. Wilson, Sr., Joe W. Wright,  
28 Wayne D. Dooley, Linda L. Earl, James S. Elliott, Wilma J. Finley, Margarte L. Foote, Nagel T.

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**STIPULATION AND ORDER OF DISMISSAL WITH PREJUDICE**

1 Franklin, Nolan T. Garrett, Sr., James Goodin, Beneficiary of the Estate of Judy E. Goodin, and  
2 Sandy Hunt, Beneficiary of the Estate of James E. Greiner in the above-entitled action and  
3 Defendants, by and through the undersigned attorneys, pursuant to Federal Rule of Civil  
4 Procedure, Rule 41(a), and hereby stipulate to the dismissal of this action **with prejudice** as to  
5 the plaintiffs named herein only with each side bearing its own attorneys' fees and costs.  
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8 DATED: 12.8, 2009

By: \_\_\_\_\_

*Nawan Ward*

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*Attorneys for Plaintiffs*

16 DATED: Dec. 9, 2009

By: \_\_\_\_\_

*[Signature]*

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*Defendants' Liaison Counsel*

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

24  
25 Dated: DEC 1 8 2009

26 *[Signature]*  
Hon. Charles R. Breyer  
United States District Court