

1 William M. Audet (CA117456)
2 AUDET & PARTNERS, LLP
3 221 Main Street Suite 1460
4 San Francisco, CA 94105
5 Telephone: (415) 568-2555
6 Facsimile: (415) 568-2556

7 Attorneys for Plaintiffs, Dwayne Kitchen

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

| | | | |
|----|---------------------------------|--|---------------------------------|
| 10 | _____) | Case No. 3:06-cv-01349-CRB | |
| 11 | IN RE: BEXTRA AND CELEBREX) | MDL NO. 1699 | |
| 12 | MARKETING SALES PRACTICES AND) | District Judge: Charles R. Breyer | |
| 13 | PRODUCT LIABILITY LITIGATION) | | |
| 14 | _____) | | |
| 15 | DWAYNE KITCHEN,) | STIPULATION AND ORDER OF | |
| 16 | Plaintiffs,) | | DISMISSAL WITH PREJUDICE |
| 17 | vs.) | | |
| 18 | Pfizer Inc., et al.) | | |
| 19 | Defendants.) | | |
| 20 | _____) | | |

21 Come now the Plaintiff, DWAYNE KITCHEN, and Defendants, by and through the
22 undersigned attorneys, pursuant to Federal Rule of Civil Procedure, Rule 41(a), and hereby
23 stipulate to the dismissal of this action **with prejudice** with each side bearing its own attorneys'
24 fees and costs.
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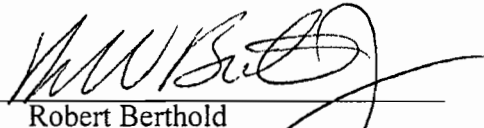
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DATED: November 11, 2009 AUDET & PARTNERS, LLP



By: _____
William M. Audet
Attorneys for Plaintiff, _____

DATED: November 11, 2009 BERTHOLD, TIANO & O'DELL



By: _____
Robert Berthold
Attorneys for Plaintiff, _____

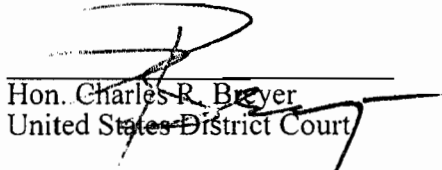
DATED: Dec. 22, 2009 DLA PIPER LLP (US)



By: _____
Michelle W. Sadowsky
Attorneys for Defendants

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

Dated: JAN - 4 2010



Hon. Charles R. Breyer
United States District Court