

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

In re: BEXTRA AND CELEBREX MARKETING,  
SALES PRACTICES AND PRODUCTS LIABILITY  
LITIGATION

Case No. M:05-cv-01699-CRB

\_\_\_\_\_  
This document relates to:

*Georgette Asbury. v. Monsanto Company, et al.,*  
(Case No. 3:06-cv-2099-CRB)

)  
)  
) **STIPULATION AND ORDER OF**  
) **DISMISSAL WITHOUT**  
) **PREJUDICE**  
)  
)  
)

Plaintiff Georgette Asbury (“Plaintiff”) and Defendants Monsanto Company, Pfizer, Inc., Pharmacia Corporation, and G.D. Searle LLC (“Defendants”) hereby stipulate to a dismissal without prejudice of Plaintiff’s claims against Defendants, subject to the following condition:

Plaintiff agrees that, in the event she re-files a lawsuit against Defendants that contains claims relating to Celebrex®, such lawsuit will be filed in United States District Court.

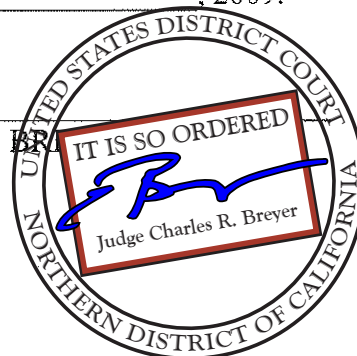
Plaintiff agrees to the above-stated condition and wishes to dismiss her claims in the instant lawsuit without prejudice to re-filing.

The parties shall each bear their own costs.

WHEREFORE, the parties hereto stipulate to the dismissal of the claims of Plaintiff Georgette Asbury in the above-styled lawsuit without prejudice to re-filing, subject to the condition stated above.

IT IS SO ORDERED, this 10th day of March, 2009.

\_\_\_\_\_  
JUDGE CHARLES R. BREYER



Respectfully Submitted by:

Dated: March 2, 2009

  
Thomas P. Cartmell MO #45366  
Brian J. Madden MO #40637  
Thomas J. Preuss MO #54923  
Wagstaff & Cartmell LLP  
4740 Grand Avenue, Suite 300  
Kansas City, MO 64112  
(816) 701-1100  
FAX (816) 531-2372

J. Scott Bertram MO #23715  
The Bertram Law Firm, LLC  
9229 Ward Parkway, Suite 107  
Kansas City, MO 64114  
(816) 523-2205  
FAX (816) 523-8258

Wm. Dirk Vandever MO # 24463  
The Popham Law Firm, P.C.  
323 W. 8th Street, Ste. 200  
Kansas City, MO 64105  
(816) 221-2288  
FAX (816) 221-3999

James P. Frickleton MO #31178  
Bartimus, Frickleton, et al.,  
11150 Overbrook Drive  
Leawood, KS 66211  
(913) 266-2300  
FAX (913) 266-2366

Grant L. Davis MO #34799  
Shawn G. Foster MO #47663  
Davis Bethune & Jones, LLC  
1100 Main St., Ste. 2930  
P.O. Box 26250  
Kansas City, MO 64196  
(816) 421-1600  
FAX (816) 472-5972

ATTORNEYS FOR PLAINTIFF

Dated: March 5, 2009



---

Stuart M. Gordon  
Gordon & Rees  
Embarcadero Center West  
275 Battery Street, 20<sup>th</sup> Floor  
San Francisco, CA 94111  
415-986-5900  
FAX 415-986-8054  
[sgordon@gordonrees.com](mailto:sgordon@gordonrees.com)

DEFENDANTS' LIAISON COUNSEL