

1 Bobby Jo Simbulan  
6842 Avendia Rotella  
2 San Jose, California 95139  
Telephone: (408) 226-3555

3 Plaintiff Pro se  
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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN FRANCISCO DIVISION

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

Case No.: 06-2101 CRB

MDL NO. 1699

District Judge: Charles R. Breyer

14 Elaine Smith, et al.,

15 Plaintiffs,

16 vs.

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

18 Merck & Co., Inc., et al.,

19 Defendants.  
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22 Come now the Plaintiff, Bobby Jo Simbulan, in the above-entitled action and Defendants, by and  
23 through the undersigned attorneys, pursuant to Federal Rule of Civil Procedure, Rule 41(a), and  
24 hereby stipulate to the dismissal of this action **with prejudice** as to the plaintiff named herein

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only with each side bearing its own attorneys' fees and costs.

DATED: 12/9~~0~~, 2010  
*BS*

By: *Bobby Jo Simbulan*

**BOBBY JO SIMBULAN**  
6842 Avendia Rotella  
San Jose, California 95139  
Telephone: (408) 226-3555

*Plaintiff Pro se*

DATED: Jan. 20, 2011

By: *[Signature]*

**DLA PIPER LLP (US)**  
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New York, New York 10020  
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Facsimile: (212) 335-4501

*Defendants' Liaison Counsel*

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

Dated: *Jan. 25, 2011*

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