

1 Seth Sharrock Webb, MO Bar 505666
 2 BROWN & CROUPPEN, P.C.
 3 720 Olive Street, Suite 1800
 4 St. Louis, MO 63101
 5 Telephone: (314) 421.0216
 6 Facsimile: (314) 421-3395
 7 swebb@brownandcrouppen.com
 8 Attorney for Plaintiff

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

<p>12 IN RE: BEXTRA and CELEBREX 13 MARKETING, SALES PRACTICES 14 and PRODUCTS LIABILITY 15 LITIGATION</p>	<p>16 CASE NO. 3:06-cv-02101-CRB 17 MDL NO. 05- 1699 18 JUDGE CHARLES R. BREYER</p>
<p>19 THIS DOCUMENT RELATES TO: 20 <i>Elaine Smith, et. al. v. G.D. Searle LLC,</i> 21 <i>et. al. No. 3:06-cv-02101-CRB</i> 22 (previously Case No. 23 4:05-cv-1593-ERW EDMO USDC)</p>	<p>24 STIPULATION AND ORDER OF 25 DISMISSAL WITH PREJUDICE FOR 26 CONNIE STEINER ONLY</p>

27 **STIPULATION AND ORDER OF DISMISSAL WITHOUT**
 28 **PREJUDICE FOR CONNIE STEINER ONLY**

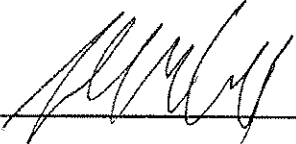
It is hereby stipulated by and between all parties, through their respective counsel and pursuant to Federal Rules of Civil Procedure 41(a)(1), that the Complaint of Plaintiff Connie Steiner, individually (in the action styled as Elaine Smith, et al.) is hereby dismissed without prejudice.

1. Plaintiff is Connie Steiner; Defendants are Merck & Co., Inc.; G.D. Searle, LLC.; Pharmacia Corporation; Monsanto Company; and Pfizer, Inc.;
2. On September 28, 2005, Plaintiff sued Defendants;
3. Plaintiff Connie Steiner moves to dismiss her claims against Defendants;
4. This case is not a class action;
5. Defendants have not filed any counterclaim in this action;
6. A receiver has not been appointed in this action;

1 7. Plaintiff Connie Steiner has not dismissed an action based on or including the same
2 claims as those present in this suit.

3 8. Should Plaintiff Connie Steiner or a representative of Plaintiff Connie Steiner attempt
4 to re-file her claims against Defendants, they shall only do so by filing said claims in
5 the United States District Court, Northern District of California, MDL 1699 In Re
6 Bextra and Celebrex Marketing and Sales Practices and Product Liability Litigation.

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8 Dated: 1-15-9


Seth Sharrock Webb, MO Bar 505666
Brown & Crouppen PC
720 Olive Street, Ste 1800
St. Louis, MO 63101
(314) 421-0216
(314) 421-0395 fax
swebb@brownandcrouppen.com
ATTORNEY FOR PLAINTIFF

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15 Dated: 1/16/09


Stuart M. Gordon, Esq.
Gordon & Rees
Embarcadero Center West
275 Battery Street 20th Floor
San Francisco, CA 94111
(415) 986-5900
(415) 986-8054 fax
DEFENDANTS' LIAISON COUNSEL

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

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26 Dated: January 22, 2009

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28 Hon. Charles R. Breyer,
United States District Judge

