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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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

Elaine Smith, et al.

Plaintiffs

vs.

Merck & Co., Inc., et al.

Defendants.

Case No.: 06-2101 CRB
MDL NO. 1699
District Judge: Charles R. Breyer

**STIPULATION AND ORDER OF
DISMISSAL WITH PREJUDICE**

Come now the Plaintiffs Robert Coon and Johnny Doss in the above-entitled action and Defendants, by and through the undersigned attorneys, pursuant to Federal Rule of Civil Procedure, Rule 41(a), and hereby stipulate to the dismissal of this action **with prejudice** as to the plaintiffs named herein only with each side bearing its own attorneys' fees and costs.

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DATED: Oct. 29, 2009

By: Navan Ward

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By: [Signature]

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Defendants' Liaison Counsel

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

Dated NOV 13 2009

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