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Attorneys for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
(SAN FRANCISCO DIVISION)**

IN RE: BEXTRA AND CELEBREX ) MDL CASE NO.: 05-CV-1699  
MARKETING SALES PRACTICES AND )  
PRODUCT LIABILITY LITIGATION )  
\_\_\_\_\_) )  
) )  
ACQUAROLE, et al., ) CASE NO. CGC-06-449463  
) MDL Case No. 06-2392 CRB  
) )  
Plaintiffs, ) STIPULATION AND ORDER OF  
) DISMISSAL WITH PREJUDICE  
vs. ) AS TO PLAINTIFF RUTH E. WAGNER  
) )  
PFIZER, INC., et al. )  
) )  
Defendants. )  
\_\_\_\_\_) )

COME NOW, Plaintiff RUTH E. WAGNER and Defendants PFIZER, INC., et al., by  
and through the undersigned attorneys, pursuant to Federal Rule of Civil Procedure, Rule 41(a),

**STIPULATION AND ORDER OF DISMISSAL WITH PREJUDICE  
AS TO PLAINTIFF RUTH E. WAGNER**


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1 and hereby stipulate to the dismissal of Plaintiff RUTH E. WAGNER from this action, with  
2 prejudice, each side bearing its own attorney's fees and costs.

3  
4 Respectfully submitted,

5  
6 Dated: September 24, 2009

**KABATECK BROWN KELLNER LLP**

7  
8 By:   
9 Brian S. Kabateck, Esq.  
10 Attorneys for Plaintiff RUTH E. WAGNER

11 Dated: October 27, 2009

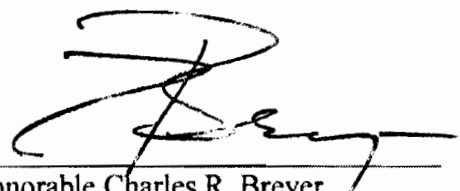
**DLA PIPER LLP**

12  
13 By: /s/  
14 Matthew A. Holian  
15 Attorney for Defendants PFIZER, INC., et al.

16  
17 **ORDER**

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

20  
21 Dated: OCT 29 2009

  
22 Honorable Charles R. Breyer  
23 United States District Court