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17 Attorneys for Plaintiffs

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

21 IN RE: BEXTRA AND CELEBREX ) MDL CASE NO.: 05-CV-1699  
22 MARKETING SALES PRACTICES AND )  
23 PRODUCT LIABILITY LITIGATION )  
24 \_\_\_\_\_ )  
25 )  
26 ACQUAROLE, et al., ) CASE NO. CGC-06-449463  
27 ) MDL Case No. 06-2392 CRB  
28 )  
29 Plaintiffs, ) STIPULATION AND ORDER OF  
30 ) DISMISSAL WITH PREJUDICE  
31 vs. ) AS TO PLAINTIFF ALFRED ALOISE  
32 )  
33 PFIZER, INC., et al. )  
34 )  
35 Defendants. )  
36 )  
37 \_\_\_\_\_ )

38 COME NOW, Plaintiff ALFRED ALOISE and Defendants PFIZER, INC., et al., by and  
39 through the undersigned attorneys, pursuant to Federal Rule of Civil Procedure, Rule 41(a), and  
40

41 **STIPULATION AND ORDER OF DISMISSAL WITH PREJUDICE**  
42 **AS TO PLAINTIFF ALFRED ALOISE**

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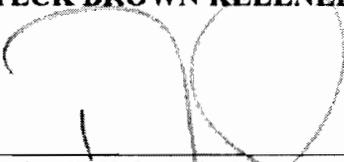
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hereby stipulate to the dismissal of Plaintiff ALFRED ALOISE from this action, with prejudice,  
each side bearing its own attorney's fees and costs.

Respectfully submitted,

Dated: September 24, 2009

**KABATECK BROWN KELLNER LLP**

By:   
Brian S. Kabateck, Esq.  
Attorneys for Plaintiff ALFRED ALOISE

Dated: October 27, 2009

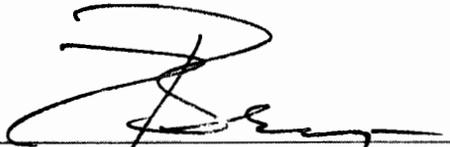
**DLA PIPER LLP**

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

**ORDER**

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

Dated: OCT 29 2009

  
Honorable Charles R. Breyer  
United States District Court