

KABATECK BROWN KELLNER LLP
BRIAN S. KABATECK, ESQ. / BAR #152054
RICHARD L. KELLNER, ESQ. / BAR #171416
644 South Figueroa Street
Los Angeles, CA 90017
Telephone: (213) 217-5000
Facsimile: (213) 217-5010
Email: bsk@kbklawyers.com

KHORRAMI POLLARD & ABIR LLP
SHAWN KHORRAMI, ESQ. / BAR #180411
DYLAN POLLARD, ESQ. / BAR #180306
444 So. Flower Street, Thirty-Third Floor
Los Angeles, CA 90071
Telephone: (213) 596-6000
Facsimile: (213) 596-6010
Email: dpollard@kpalawyers.com

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
vs.) DISMISSAL WITH PREJUDICE
) AS TO PLAINTIFF BILLY MCDANIEL
)

PFIZER, INC., et al. }
v. }
SCHERING-PLEUMANN, INC., et al. }

Defendants

COME NOW, Plaintiff BILLY MCDANIEL 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 BILLY MCDANIEL**

Kabateck Brown Kellner, LLP
644 South Figueroa Street
Los Angeles, California 90017
(213) 217-5000
FAX (213) 217-5010

1 and hereby stipulate to the dismissal of Plaintiff BILLY McDANIEL from this action, with
2 prejudice, each side bearing its own attorney's fees and costs.
3

4 Respectfully submitted,
5

6 Dated: September 26, 2009
7

KABATECK BROWN KELLNER LLP

8 By: _____
9 Brian S. Kabateck, Esq.
10 Attorneys for Plaintiff BILLY McDANIEL

11 Dated: October 27, 2009
12

DLA PIPER LLP

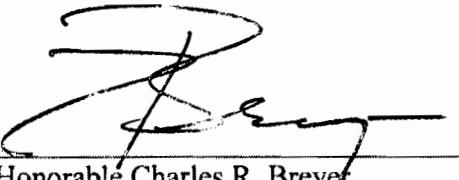
13 By: _____
14 /S/
15

16 Matthew A. Holian
17 Attorney for Defendants PFIZER, INC., et al.
18

ORDER

19 PURSUANT TO THE TERMS SET FORTH IN THE PARTIES' STIPULATION, IT IS
20 SO ORDERED.
21

Dated: OCT 29 2009


22 Honorable Charles R. Breyer
23 United States District Court
24
25
26
27
28