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 7  
 8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA  
 10 SAN FRANCISCO DIVISION

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

**Case No. : 06-2437 CRB**  
**MDL NO. 1699**  
**District Judge: Charles R. Breyer**

14 Gary Lee Abernathy, individually, et al.,  
 15  
 16 Plaintiffs

17 vs.

**STIPULATION AND ORDER OF  
 DISMISSAL WITH PREJUDICE**

18 Pfizer Inc, et al.,  
 19  
 20 Defendants.

21 Come now the Plaintiffs Gary Lee Abernathy, individually; Joseph L. Clough,  
 22 individually; Janelle Blanton, individually; Mary F. Hutcheson, individually; Debbie Madrey,  
 23 individually and as Personal Representative of the Estate of Willie Madrey, deceased; Rickey  
 24 McDaniel, individually; Calvin W. Miller, individually; Karla Miller, individually; Edward  
 25 Myers, individually; Catheryn Parham, individually; Tilda Powls, individually; Patty Preston,  
 26 individually; Janice S. Rankin, individually; Jennie B. Reed, individually; Willard L. Rivers,  
 27 indivdually; Thomas W. Scollon, individually; Hermie Marie Scott, individually and as Personal  
 28 Representative of the Estate of Willie Clyde Scott, deceased; Billy J. Smithers, individually;

1 Lillian Sweeney, individually; Julia Lane, individually and as Personal Representative of the  
2 Estate of Bessie Idell Burdette; Ellen M. Talley, individually; Charles Tate, individually; and  
3 Paul Terry, individually in the above-entitled action and Defendants, by and through the  
4 undersigned attorneys, pursuant to Federal Rule of Civil Procedure, Rule 41(a), and hereby  
5 stipulate to the dismissal of this action **with prejudice** as to the plaintiffs named herein only with  
6 each side bearing its own attorneys' fees and costs.

7  
8 DATED: 10/16, 2009

By:

*Navan Ward Jr.*

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*Attorneys for Plaintiffs*

17 DATED: Oct. 19, 2009

By:

*[Signature]*

18 DLA PIPER LLP (US)  
19 1251 Avenue of the Americas  
20 New York, New York 10020  
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*Defendants' Liaison Counsel*

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

25 Dated: Oct. 22, 2009

Hon. Charles R. Breyer  
United States District Court  
Northern District of California

