

Allan Berger, LA Bar 2977  
 ALLAN BERGER AND ASSOCIATES  
 4173 Canal Street  
 New Orleans, Louisiana 70119  
 Telephone: 504-486-9481  
 Facsimile: 504-483-2201  
[aberger@allan-berger.com](mailto:aberger@allan-berger.com)

Attorney for Plaintiff

UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

IN RE: BEXTRA AND CELEBREX MARKETING, SALES PRACTICES AND PRODUCTS LIABILITY LITIGATION	CASE NO. 3:06-CV-2690  MDL NO. 05-1699 JUDGE CHARLES R. BREYER
THIS DOCUMENT RELATES TO: <i>Cummings, et al vs. Pfizer Inc. And Merck &amp; Co., Inc. No. 3:06-cv-2690</i> (previously 05-6273 - EDLA USDC	STIPULATION AND ORDER OF DISMISSAL WITH PREJUDICE FOR CAROL CUMMINGS

**STIPULATION AND ORDER OF DISMISSAL WITH PREJUDICE  
FOR CAROL CUMMINGS**

IT IS HEREBY STIPULATED AND AGREED by and between counsels for the Plaintiffs and counsel for the Defendants, that the Complaint of the Plaintiff, Carol Cummings, is hereby dismissed with prejudice. This motion applies only to representation of Plaintiff, Carol Cummings. Allan Berger and Associates remain counsel for all other plaintiffs in the action.

1. Carol Cummings is a plaintiff; defendants are Pfizer Inc. and Merck & Co. Inc.
2. On November 23, 2005, Plaintiff sued defendants;
3. Plaintiff Cummings moves to dismiss her claims against defendant, Pfizer Inc. only, reserving all rights against Merck & Co.;
4. Defendants have not filed any counterclaim in this action;

5. This case is not a class action;
6. A receiver has not been appointed to this action;
7. Plaintiff Cummings has not dismissed an action based on or including the same claims as those present in this suit;

Respectfully submitted by:

ALLAN BERGER & ASSOC.

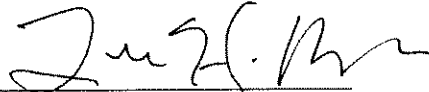
Dated: December 18, 2008

/s/ Allan Berger  
**Allan Berger, LA Bar 2977**  
**ALLAN BERGER AND**  
**ASSOCIATES**  
**4173 Canal Street**  
**New Orleans, Louisiana 70119**  
**Telephone: 504-486-9481**  
**Facsimile: 504-483-2201**  
**[aberger@allan-berger.com](mailto:aberger@allan-berger.com)**

Attorney for Plaintiff

Dated: 12/18/08

DLA PIPER US LLP



Loren Brown  
DLA PIPER US LLP  
1251 Avenue of the Americas  
45<sup>th</sup> Floor  
New York, NY 10020  
(212)335-4500  
Fax: 212-335-4501  
DEFENDANTS' LIAISON COUNSEL

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

Dated: December 18, 2008

