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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 & Co., Inc. No. 3:06-cv-2690</i> (previously 05-6273 - EDLA USDC	STIPULATION AND ORDER OF DISMISSAL WITH PREJUDICE FOR JOHN SHEA

**STIPULATION AND ORDER OF DISMISSAL WITH PREJUDICE
 FOR JOHN SHEA**

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

1. John Shea is a plaintiff; defendants are Pfizer, Inc. and Merck & Co., Inc.
2. On November 23, 2005, Plaintiff sued defendants;
3. Plaintiff Shea moves to dismiss his claims against defendant Pfizer Inc. only, reserving all rights against Merck & Co., Inc.;
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 Shea has not dismissed an action based on or including the same claims as those present in this suit;

Respectfully submitted by:

ALLAN BERGER & ASSOC.

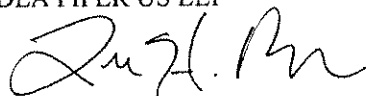
Dated: December 18, 2008

/S/ Allan Berger
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Dated: 12/18/08

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DEFENDANTS' LIAISON COUNSEL

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

Dated: December 18, 2008

Hon. Charles R. Breyer,
United States District Court

