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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
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13 **IN RE: BEXTRA AND CELEBREX**
14 **MARKETING SALES PRACTICES AND**
15 **PRODUCT LIABILITY LITIGATION**

) **CASE NO. C 06-2759 (CRB)**

) **MDL NO. 1699**

) **District Judge: Charles R. Breyer**

16 **MARK WAGNER,**

17 **Plaintiff,**

18 **vs.**

19 **G.D. SEARLE & CO.; PHARMACIA**
20 **CORPORATION; MONSANTO**
21 **COMPANY; and PFIZER, INC.,**

22 **Defendants.**

) **STIPULATION AND ORDER OF**
) **DISMISSAL WITH PREJUDICE**

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26 Come now the Plaintiff, **MARK WAGNER** and Defendants, by and through the
27 undersigned attorneys, pursuant to Federal Rule of Civil Procedure, Rule 41(a), and hereby
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1 stipulate to the dismissal of this action **with prejudice** with each side bearing its own attorneys'
2 fees and costs.

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5 DATED: September 1, 2009

ROBINSON, CALCAGNIE & ROBINSON

6 By: Mark P. Robinson, Jr.
7 MARK P. ROBINSON, JR.
8 Attorneys for Plaintiff Mark Wagner

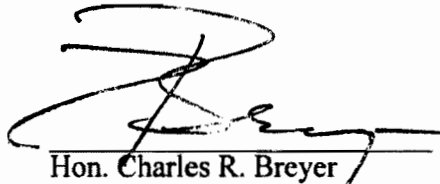
9 DATED: Oct. 22, 2009

DLA PIPER LLP (US)

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11 By: /s/
12 Matt Holian
13 Attorneys for Defendants

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

17 Dated: OCT 28 2009

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19 Hon. Charles R. Breyer
20 United States District Court