

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

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

CASE NO. M:05-CV-01699-CRB

MDL No. 1699

This Order Relates to:

Betty Cruz, et al. vs. Pfizer Inc., et al., Case
No. 3:06-CV-02954-CRB

**STIPULATION AND ~~PROPOSED~~ ORDER
DISMISSING PFIZER DEFENDANTS WITH
PREJUDICE AND SUGGESTING REMAND
TO TRANSFEROR COURT**

1. WHEREAS Plaintiffs Betty Cruz, individually and as representative for the estate of Hilario Cruz, deceased, and as surviving spouse of Hilario Cruz, deceased, and Ronnie Reynaldo Cruz, individually and as heir of the estate of Hilario Cruz, deceased, and as surviving son of Hilario Cruz, deceased (collectively, "Plaintiffs"), are residents of Jim Wells County, Texas and citizens of the State of Texas;

2. WHEREAS Defendant Pfizer Inc ("Defendant Pfizer") is incorporated in the State of Delaware and has its principal place of business in the State of New York;

3. WHEREAS Defendant Orlando DeHerrera, D.O. ("Defendant DeHerrera") is a citizen of the State of Texas;

4. WHEREAS Plaintiffs filed their Original Petition in the 79th Judicial District Court of Jim Wells County, State of Texas, which Defendant Pfizer removed to the United States District Court for the Southern District of Texas, Corpus Christi Division;

1 5. WHEREAS Plaintiffs filed a motion to remand their complaint to state
2 court, which neither the United States District Court for the Southern District of Texas, Corpus
3 Christi Division nor this Court has adjudicated;

4 6. WHEREAS, pursuant to Federal Rule of Civil Procedure 41(a), Plaintiffs
5 hereby stipulate to dismiss any and all claims against Defendant Pfizer with prejudice, with each
6 party to bear its own costs;

7 7. WHEREAS Plaintiffs wish to continue to pursue certain claims against
8 Defendant DeHerrera (“the remaining claims”);

9 8. WHEREAS the remaining claims do not involve any issues that are the
10 subject of this multi-district proceeding; and

11 9. WHEREAS the convenience of Plaintiffs and Defendant DeHerrera and the
12 remaining potential witnesses will be served by remanding Plaintiffs’ remaining claims to the
13 United States District Court for the Southern District of Texas, Corpus Christi Division;

14 10. THEREFORE the parties hereby stipulate and respectfully request that the
15 Court enter an Order:

16 a. Dismissing Plaintiffs’ claims against Defendant Pfizer in their
17 entirety with prejudice, with each party to bear its own costs; and

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b. Suggesting that the Judicial Panel on Multidistrict Litigation (“the Panel”) remand Plaintiffs’ remaining claims against Defendant DeHerrera to the United States District Court for the Southern District of Texas, Corpus Christi Division.

IT IS SO STIPULATED.

Dated: June 9, 2009

THE SNAPKA LAW FIRM

By /s/
Kathryn Snapka
Counsel for Plaintiffs

Dated: June 9, 2009

DLA PIPER US LLP

By /s/
Loren H. Brown
Counsel for Pfizer Defendants

Dated: June 9, 2009

STINNETT THIEBAUD & REMINGTON LLP

By /s/
Philipa M. Remington
Counsel for Defendant Dr. Orlando DeHerrera

ORDER

Pursuant to the parties' stipulation, IT IS HEREBY ORDERED THAT:

1. Plaintiffs' claims against Defendant Pfizer hereby are DISMISSED in their entirety with prejudice, with each party to bear its own costs.

2. Because the Plaintiff's remaining claims do not involve any issues that are the subject of this multi-district proceeding and the convenience of Plaintiffs and Defendant DeHerrera and the remaining potential witnesses will be served by remanding Plaintiffs' remaining claims to the United States District Court for the Southern District of Texas, Corpus Christi Division ("the Transferor Court"), the Court hereby SUGGESTS that the Panel remand the remainder of Plaintiff's complaint to the Transferor Court.

IT IS SO ORDERED.

Dated: June 10, 2009

