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Attorneys for Plaintiffs,
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(502) 753-1600

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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

HAROLD THOMAS and
MARY LAVERN THOMAS

Plaintiffs,

vs.

MERCK & CO, INC; PFIZER, INC; MERCK
& CO, INC; JOHN DOE ONE
and JOHN DOE TWO

Defendants.

Case No. 3:06-cv-03171-CRB
MDL NO. 1699
District Judge: Charles R. Breyer

**STIPULATION AND ORDER OF
DISMISSAL WITH PREJUDICE**

Come now the Plaintiffs, HAROLD THOMAS and MARY LAVERN THOMAS, and
Defendants, by and through the undersigned attorneys, pursuant to Federal Rule of Civil
Procedure, Rule 41(a), and hereby stipulate to the dismissal of this action **with prejudice** with
each side bearing its own attorneys' fees and costs.

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DATED: 12-14, 2009 BUBALO HIESTAND & ROTMAN, PLC

By: Leslie M. Cronen
Leslie M. Cronen
Attorneys for Plaintiffs

DATED: February 3, 2010 DLA PIPER LLP (US)

By: Michelle W. Sadowsky
Michelle W. Sadowsky
Attorneys for Defendant Pfizer

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

Dated: FEB 16 2010

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