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2 Attorneys for Plaintiffs,  
3 Bubalo Hiestand & Rotman, PLC  
4 9300 Shelbyville Road, Suite 215  
5 Louisville, KY 40222  
6 (502) 753-1600  
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9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
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12 \_\_\_\_\_ )  
13 IN RE: BEXTRA AND CELEBEX )  
14 MARKETING SALES PRACTICES AND )  
15 PRODUCT LIABILITY LITIGATION )

Case No. 3:06-cv-03175-CRB  
MDL NO. 1699  
District Judge: Charles R. Breyer

15 GALEN NOE and  
16 SONDRA NOE, spouse

17 Plaintiffs,

18 vs.

19 MERCK & CO., INC; PFIZER, INC; JOHN  
20 DOE ONE; JOHN DOE TWO; DAKSHA P.  
MEHTA, MD; and CENTER FOR  
ARTHRITIS & OSTEOPOROSIS, PSC

21 Defendants.  
22 \_\_\_\_\_

STIPULATION AND ORDER OF  
DISMISSAL WITH PREJUDICE

23 Come now the Plaintiffs, GALEN NOE and SONDRA NOE, and Defendants, by and  
24 through the undersigned attorneys, pursuant to Federal Rule of Civil Procedure, Rule 41(a), and  
25 hereby stipulate to the dismissal of this action **with prejudice** with each side bearing its own  
26 attorneys' fees and costs. No settlement funds or consideration of any kind was paid by or on  
27 behalf of Daksha P. Mehta, M.D. and Center for Arthritis & Osteoporosis, PSC.  
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DATED: 12-14, 2009 BUBALO HIESTAND & ROTMAN, PLC

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

DATED: \_\_\_\_\_, 2009 FULKERSON & KINKEL

By: Melanie Marrs  
Melanie Marrs  
David Trevey  
Attorneys for Defendants Daksha P. Mehta, MD and  
Center for Arthritis & Osteoporosis, PSC

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

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

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

Dated: FEB 16 2010

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