

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Attorneys for Plaintiffs,  
Bubalo Hicstand & Rotman, PLC  
9300 Shelbyville Road, Suite 215  
Louisville, KY 40222  
(502) 753-1600

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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

Case No. 3:06-cv-03176-CRB  
MDL NO. 1699  
District Judge: Charles R. Breyer

CATHY GROCE STEARNS, as Personal  
Representative of the Estate of  
LULA MAE GROCE  
Plaintiff,

STIPULATION AND ORDER OF  
DISMISSAL WITH PREJUDICE

vs.

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

Defendants.

Comes now the Plaintiff, CATHY GROCE STEARNS, as PERSONAL REPRESENTATIVE of the ESTATE of LULA MAE GROCE, 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.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

DATED: 12-14, 2009

BUBALO HIESTAND & ROTMAN, PLC

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

DATED: Jan. 13, 2010

DLA PIPER LLP.(US)

By: Michelle W. Sadowsky  
Michelle W. Sadowsky  
Attorneys for Defendants

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

Dated: JAN 19 2010

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