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Attorneys for Plaintiffs,  
Oldfather Law Firm  
1330 South Third Street  
Louisville, KY 40208  
(502) 637-7200

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-03178-CRB  
MDL NO. 1699  
District Judge: Charles R. Breyer

ROBERT T. SAMPSON

Plaintiff,

vs.

MERCK & CO., INC; PFIZER, INC; JOHN  
DOE ONE; JOHN DOE TWO; H. LYNN  
SPEEVAK, MD; and COMMUNITY  
MEDICAL ASSOCIATES, INC.

Defendants.

STIPULATION AND ORDER OF  
DISMISSAL WITH PREJUDICE

Comes now the Plaintiff, ROBERT T. SAMPSON, 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: 12-16, 2009 OLDFATHER LAW FIRM

By: Ann B. Oldfather / *with permission by EmCrones*  
Ann B. Oldfather  
Attorneys for Plaintiffs

DATED: 12-16, 2009 THOMPSON MILLER & SIMPSON

By: W. Kennedy Simpson / *with permission by EmCrones*  
W. Kennedy Simpson  
Attorneys for Defendant Community Medical Associates

DATED: 12-16, 2009 O'BRYAN, BROWN & TONER, PLLC

By: Joseph C. Klausning / *with permission by EmCrones*  
Joseph C. Klausning  
Attorneys for Defendant H. Lynn Speevak, MD

DATED: February 3, 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: FEB 16 2010

[Signature]  
Hon. Charles R. Breyer  
United States District Court