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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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

**MDL NO. 1699**  
**District Judge: Charles R. Breyer**

**This Document Relates To:**

- Donald G. Newmann v. Pfizer Inc.*  
(05-5359 CRB)
- Lehnen, Marie, et al. v. G.D. Searle, et al.*  
(06-2669 CRB)
- Marcy A. West v. Merck & Co., Inc., et al.*  
(06-3015 CRB)
- Jerry M. Dance v. Merck & Co., Inc., et al.*  
(06-3016 CRB)
- Edward Spinaio v. G.D. Searle, et al.*  
(06-3036 CRB)
- Lonnie Case v. Merck & Co. Inc., et al.*  
(06-3180 CRB)
- Richard Menzel v. Merck & Co., Inc., et al.*  
(06-3181 CRB)
- Vincent Calamia v. Merck & Co., Inc., et al.*  
(06-3182 CRB)
- Jessie Abbott v. Merck & Co., Inc., et al.*  
(06-3306 CRB)

**STIPULATION AND ORDER OF  
DISMISSAL WITH PREJUDICE**

- 1 *Berlin Jenkerson v. Merck & Co. Inc., et al.* )
- 2 (06-3307 CRB) )
- 3 *Thomas Kasper v. Merck & Co. Inc., et al.* )
- 4 (06-3309 CRB) )
- 5 *Josephine Tourville v. Merck & Co., Inc., et al.* )
- 6 (06-3310 CRB) )
- 7 *Arzie Stephens v. Merck & Co., Inc., et al.* )
- 8 (06-3311 CRB) )
- 9 *Henry Kahn, et al. v. Pfizer Inc., et al.* )
- 10 (06-4600 CRB) )
- 11 *Carol Copeland v. G.D. Searle LLC, et al.* )
- 12 (07-3023 CRB) )
- 13 *Suzanne Steinbach v. Merck & Co., Inc., et al.* )
- 14 (07-0495 CRB) )
- 15 *John Moseley v. Merck & Co., Inc., et al.* )
- 16 (07-0496 CRB) )
- 17 *Joni Hebblethwaite v. Merck & Co., Inc., et al.* )
- 18 (07-0498 CRB) )
- 19 *Kevin Miller v. Merck & Co, Inc., et al.* )
- 20 (07-0596 CRB) )
- 21 *Lena Scher v. Merck & Co., Inc., et al.* )
- 22 (07-2533 CRB) )
- 23 *Laurence Schmidt v. Merck & Co., Inc., et al.* )
- 24 (07-2534 CRB) )
- 25 *Patty Foreman v. Merck & Co., Inc., et al.* )
- 26 (07-2535 CRB) )
- 27 *Robert Miller v. G.D. Searle LLC, et al.* )
- 28 (07-3127 CRB) )

26 Come now all the Plaintiffs in the above-entitled actions and Defendants, by and through  
 27 the undersigned attorneys, pursuant to Federal Rule of Civil Procedure, Rule 41(a), and hereby  
 28

1 stipulate to the dismissal of these actions **with prejudice** as to all plaintiffs named therein with  
2 each side bearing its own attorneys' fees and costs.

3  
4 DATED: 11-2, 2009

By: 

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*Attorneys for Plaintiffs*

9  
10 DATED: Nov. 4, 2009

By: 

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New York, New York 10020  
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Facsimile: 212-335-4501

*Defendants' Liaison Counsel*

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

19  
20 Dated: NOV 13 2009

  
Hon. Charles R. Breyer  
United States District Court