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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

| | | |
|-------------------------------|---|--|
| _____ |) | |
| IN RE: BEXTRA AND CELEBREX |) | Case Specific Number: 06-3365 |
| MARKETING SALES PRACTICES AND |) | MDL NO. 1699 |
| PRODUCT LIABILITY LITIGATION |) | District Judge: Charles R. Breyer |
| _____ |) | |
| KATHLEEN WAGNER, |) | |
| |) | STIPULATION AND ORDER OF |
| Plaintiff, |) | DISMISSAL WITH PREJUDICE |
| |) | |
| vs. |) | |
| |) | |
| PFIZER, INC., et al., |) | |
| Defendants. |) | |
| _____ |) | |

Come now the Plaintiff, KATHLEEN WAGNER, and Defendants, PFIZER, INC., et al., 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.

DATED: February 17, 2009

LEVIN, PAPANTONIO, THOMAS, MITCHELL,
ECHSNER & PROCTOR, P.A.

By: 

Peter L. Kaufman
Attorneys for Plaintiff

DATED: August 6, 2009

GORDON & REES

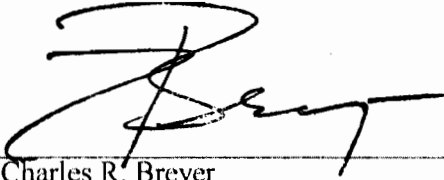
By: _____

/s/

Stuart M. Gordon
Attorneys for Defendants

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

Dated: AUG 17 2009


Hon. Charles R. Breyer
United States District Court