

Michael J. Miller, VA Bar No. 19171
David C. Andersen, CA Bar No. 194095
THE MILLER FIRM, LLC
2 Bala Plaza, Suite 603
Bala Cynwyd, PA 19004
Telephone: (610) 660-0622
Facsimile: (610) 660-0628

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
(SAN FRANCISCO DIVISION)

JAMES W. SWAIN,

Plaintiff,

v.

PFIZER INC., PHARMACIA
CORPORATION, and G.D. SEARLE, LLC,

Defendants.

Docket No.: 06-CV-3603-CRB

MDL NO. 1699

District Judge: Charles R. Breyer

**STIPULATION AND ORDER OF DISMISSAL
WITH PREJUDICE**

Come now the Plaintiff, JAMES W. SWAIN, 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.

DATED: August, 2009

By: David C. Anderson

THE MILLER FIRM, LLP
Two Bala Plaza, Ste. 603
Bala Cynwyd, PA 19004
Telephone: (212) 335-4500
Facsimile: (212) 335-4501
Attorneys for Plaintiff

DATED: 8/26, 2009

By: /s/ Loren Brown

DLA PIPER LLP (US)
1251 Avenue of the Americas
New York, NY 10020
Telephone: (212) 335-4500
Facsimile: (212) 335-4501
Defendants' Liaison Counsel

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

Dated: Sept. 1, 2009

Hon. Charles R. Breyer
United States District Court

