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(Appearance Pro Hac Vice)  
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9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 SAN FRANCISCO DIVISION

12 **IN RE: BEXTRA AND CELEBREX**  
13 **MARKETING, SALES PRACTICES**  
14 **AND PRODUCT LIABILITY**  
15 **LITIGATION**

No. MDL 05-01699 CRB

STIPULATION AND PROPOSED ORDER  
OF DISMISSAL WITH PREJUDICE

16 *This document relates to:*

17 *Michael J. Austen, et al. v. Pfizer Inc., et al.*

18 **No. 3:06-cv-03839-CRB**

19 Come now the Plaintiff, DOROTHY D. SMITH, individually and as representative for  
20 the estate of GERALD L. SMITH, and Defendants, by and through the undesigned attorneys,  
21 pursuant to Federal Rule of Civil Procedure, Rule 41 (a)(1), and hereby stipulate to the dismissal  
22 of this action with prejudice with each side bearing its own attorneys' fees and costs.  
23

24 DATED: 10/21, 2009

PHILLIPS & ASSOCIATES

By: 

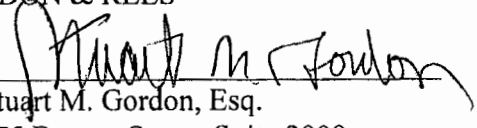
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28 Attorney for Plaintiff

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DATED: 2/23, 2009 <sup>2010</sup>

GORDON & REES

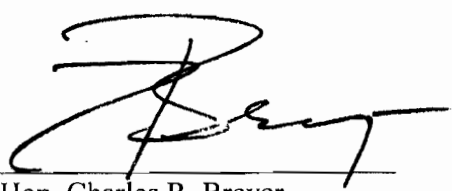
By: 

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Attorney for Defendants

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

Dated: FEB 26 2010



Hon. Charles R. Breyer  
United States District Judge