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11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA

13 \_\_\_\_\_ )  
14 IN RE: BEXTRA AND CELEBREX )  
15 MARKETING SALES PRACTICES AND )  
16 PRODUCT LIABILITY LITIGATION )

) Case Specific Number 06-4093

) **MDL NO. 1699**

) **District Judge: Charles R. Breyer**

17 Jim Smith, )

) Plaintiffs, )

18 vs. )

19 Pfizer, Inc., et al. )

20 Defendants. )

) **STIPULATION AND ORDER OF**  
) **DISMISSAL WITH PREJUDICE**

21 \_\_\_\_\_  
22 Come now the Plaintiff, (JIM SMITH) and Defendants, by and through the undersigned  
23 attorneys, pursuant to Federal Rule of Civil Procedure, Rule 41(a), and hereby stipulate to the  
24 dismissal of this action with prejudice with each side bearing its own attorneys' fees and costs.

25 DATED: February 20, 2009


26 By:  \_\_\_\_\_

27 Attorneys for Plaintiff, Jim Smith, .  
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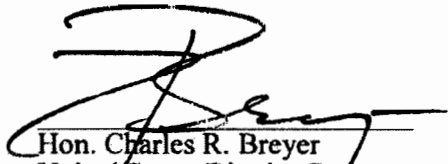
DATED: April 27, 2009

DLA PIPER US LLP

By:   
\_\_\_\_\_  
Michelle Sadowsky  
Attorneys for Defendants

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

Dated APR 30 2009

  
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Hon. Charles R. Breyer  
United States District Court