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Attorneys for Plaintiff

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

JULIAN PEREZ,

Plaintiff,

v.

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

Docket No.: 06-CV-4418-CRB

STIPULATION TO: (1) VACATE DISMISSAL
WITH PREJUDICE; AND (2) DISMISS
WITHOUT PREJUDICE

IT IS HEREBY STIPULATED AND AGREED by all parties in this matter,
pursuant to *Fed. R. Civ Pro. 41 (a)*, as follows:

1. The dismissal of Plaintiffs' claim with prejudice previously issued by this Court should be vacated.
2. All claims in this matter including, but not limited to, those against Defendants Pfizer Inc., Pharmacia & Upjohn LLC *f/k/a* Pharmacia and Upjohn, Inc., Pharmacia Corporation, and G.D. Searle LLC *f/k/a* G.D. Searle & Co., are voluntarily dismissed without prejudice and without costs;

3. Each party shall bear its own attorneys fees and costs;
4. All defenses on behalf of all defendants are preserved;
5. If Plaintiffs, their representatives, and/or successors attempt to file claims against any of the defendants, they 1) shall not attempt to file such claims in any Court other than the United States District Court in which venue is proper, 2) may not join any parties whose joinder would defeat diversity jurisdiction pursuant to 28 U.S.C. §1332, and 3) may not oppose transfer to MDL-1699, *In re: Bextra® and Celebrex® Marketing Sales Practices and Products Liability Litigation*. Other than expressly stated herein, this agreement shall not prejudice any defense or right of the defendants.

The following counsel represent that they have the authority of each of their respective client parties to enter into this Stipulation on their behalf.

The Miller Firm, LLC
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Attorneys for Plaintiff

By: David C. Andersen
David C. Andersen, Esq.

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Attorneys for Defendants

By: Loren Brown
Loren Brown, Esq.

DATED: 2-24-09

DATED: 2/24/09

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: Feb. 25, 2009

HONORABLE CHARLES R. BREYER
UNITED STATES DISTRICT COURT

