

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN RE: BEXTRA AND CELEBREX  
MARKETING SALES PRACTICES AND  
PRODUCT LIABILITY LITIGATION

CASE NO. M:05-CV-01669-CRB

MDL NO. 1699

This Document Relates to:  
*Smith v. Pfizer, Inc., et al.*,  
(Case No. 3:06-cv-5415-CRB)

**STIPULATION AND ORDER OF  
DISMISSAL WITH PREJUDICE**

Plaintiff Lou Ann Smith ("Plaintiff") and Defendants Pfizer, Inc., Pharmacia Corp., and G.D. Searle LLC and Pharmacia Upjohn Company LLC ("Defendants") hereby stipulate to the dismissal with prejudice of Plaintiff's claims against Defendants, subject to the following condition:

Pursuant to Paragraph II (A)(3) of the Confidential Settlement Term Sheet between and among Pfizer Inc. and Milberg LLP, Pfizer shall not file this stipulation and order of dismissal with prejudice until the appropriate settlement funds have been released to the above-captioned plaintiff(s).

Plaintiff and Defendants agree to the above-stated condition and Plaintiff wishes to dismiss his/her claims in the instant lawsuit with prejudice.

The parties shall each bear their own costs.

WHEREFORE, the parties hereto stipulate to the dismissal of the claims of Plaintiff Lou Ann Smith in the above-styled lawsuit with prejudice, subject to the condition stated above.

IT IS SO ORDERED, this 17th day of August, 2009.

  
\_\_\_\_\_  
CHARLES R. BREYER  
UNITED STATES DISTRICT JUDGE

Respectfully Submitted by:

Dated: March 27, 2009

  
\_\_\_\_\_  
Kirk E. Chapman  
Stephanie Hatzakos  
Milberg LLP  
One Pennsylvania Plaza  
New York, NY 10119-0165  
Telephone: (212) 594-5300  
Facsimile: (212) 868-1229  
[kchapman@milberg.com](mailto:kchapman@milberg.com)  
[shatzakos@milberg.com](mailto:shatzakos@milberg.com)

ATTORNEYS FOR PLAINTIFF  
Lou Ann Smith

Dated: 8/12, 2009

/s/ Loren Brown  
\_\_\_\_\_  
Loren Brown, Esq.  
DLA Piper US L.L.P.  
1251 Avenue of the Americas  
New York, NY 10020-1104  
(212) 335-4846

ATTORNEYS FOR DEFENDANTS