

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

\_\_\_\_\_  
 IN RE: BEXTRA AND Celebrex  
 MARKET SALES PRACTICES, AND  
 PRODUCT LIABILITY LITIGATION

)  
 ) MDL NO. 1699  
 )  
 ) STIPULATION AND ORDER  
 ) OF DISMISSAL  
 ) WITH PREJUDICE

\_\_\_\_\_  
*This document relates to:*  
**MICHAEL DAVID FOSTER**  
**Plaintiff,**

v.

**PFIZER INC.**  
**Defendant.**

)  
 )  
 )  
 )  
 ) Case No. 3:06-cv-05580-CRB  
 )

It is hereby STIPULATED by and between all parties, through the respective counsel and pursuant to the Federal Rules of Civil Procedure 41(a)(1), that the claims of Plaintiff Michael David Foster in this action are dismissed with prejudice. Court costs are to be paid by party incurring same.

DATED: March 23, 2009

By   
 John David Hart  
 State Bar No. 09147700  
 Law Offices of John David Hart  
 201 Main Street, Suite 1720  
 Fort Worth, TX 76102  
 817/870-2102  
 817/332-5858 (Fax)  
 johnhart@hartlaw.com  
  
**ATTORNEY FOR PLAINTIFF**

DATED: 9/14/2009

By /s/ John Dougherty

John Dougherty  
DLA Piper LLP (US)  
6225 Smith Avenue  
Baltimore, MD 21209  
410-580-3000  
410-580-3001 (Fax)

**ATTORNEY FOR DEFENDANT**

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

Dates: Sept. 16, 2009

