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12  
13 UNITED STATES DISTRICT COURT  
14 NORTHERN DISTRICT OF CALIFORNIA  
15

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17 \_\_\_\_\_ )  
18 IN RE: BEXTRA AND CELEBREX )  
19 MARKETING SALES PRACTICES AND )  
20 PRODUCT LIABILITY LITIGATION )  
21 \_\_\_\_\_ )

) Case Specific Number 06-6081  
) **MDL NO. 1699**  
) **District Judge: Charles R. Breyer**

22 David Eaker, )  
23 )  
24 Plaintiffs, )

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

25 vs. )

26 Pfizer, Inc., et al. )  
27 )  
28 Defendants. )

29  
30 Come now the Plaintiffs, (DAVID EAKER) Defendants, by and through the undersigned  
31 attorneys, pursuant to Federal Rule of Civil Procedure, Rule 41(a), and hereby stipulate to the  
32 dismissal of this action with prejudice with each side bearing its own attorneys' fees and costs.

33 DATED: February 20, 2009


34 By  )

35 Attorneys for Plaintiff, David Eaker )

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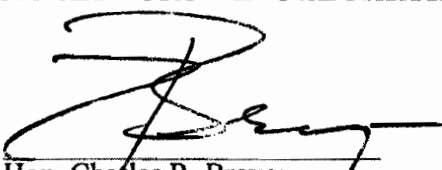
DATED: April 27, 2009

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