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15 UNITED STATES DISTRICT COURT  
 16 NORTHERN DISTRICT OF CALIFORNIA  
 17 SAN FRANCISCO DIVISION

18 IN RE: BEXTRA AND CELEBREX  
 19 MARKETING SALES PRACTICES,  
 20 AND PRODUCT LIABILITY  
 21 LITIGATION

Case No. M:05-CV-01699-CRB

MDL NO. 1699

**STIPULATION AND ORDER OF DISMISSAL  
 WITH PREJUDICE**


22 This Document Relates To:

23 *Nelda R. and Don Smith, vs. Pfizer, Inc.,*  
 24 *MDL No. 06-6937: Plaintiff Nelda R.*  
 25 *Smith and Don Smith*

26 Come now the Plaintiffs, Nelda R. Smith and Don Smith, and Defendant, Pfizer Inc., by  
 27 and through the undersigned attorneys, pursuant to Federal Rule of Civil Procedure, Rule 41(a),  
 28

1 and hereby stipulate to the dismissal with prejudice of Plaintiffs, **Nelda R. Smith and Don**  
2 **Smith's** action only, with each side bearing its own attorneys' fees and costs.

3  
4  
5 Dated: \_\_\_\_\_, 2009

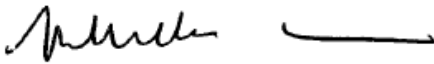
6 By:   
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21 *Counsel for Plaintiff.*

22 Dated: March 11, 2009

23 By:   
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*Counsel for Defendant Pfizer, Inc.*

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

Dated: March 30, 2009

By:   
United States District Court