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*Counsel Admitted Pro Hac Vice in MDL 1699 per Judge Breyer's PTO 1  
 Attorneys for Plaintiff*

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

IN RE BEXTRA AND CELEBREX  
 MARKETING SALES PRACTICES AND  
 PRODUCTS LIABILITY LITIGATION

Master Docket No.: M:05-CV-01699-CRB

MDL No.: 1699

PEGGY O'NEILL,  
 Plaintiff,

Case No. C-07-0053

v.

**STIPULATED PARTIAL DISMISSAL  
 WITH PREJUDICE**

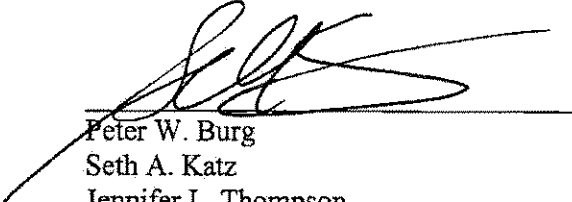
MERCK AND COMPANY, INC and PFIZER,  
 INC.,  
 Defendant

Come now the Plaintiff and Defendant Pfizer, Inc., by and through the undersigned attorneys, pursuant to Federal Rule Civil Procedure, Rule 41(a), and hereby stipulate to the dismissal of this personal injury action against Pfizer Inc. only relating to Plaintiff's use of Bextra and dismissal with prejudice with Defendant, Pfizer, Inc. only. Each side is to bear its own attorney's fees and costs. All claims against Merck and Company, Inc. shall remain.

Respectfully submitted,

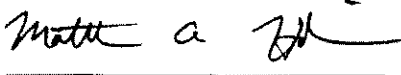
**BURG SIMPSON**  
**ELDREDGE HERSH & JARDINE, P.C.**

Dated: January 29, 2009

  
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*1699 per Judge Breyer's PTO 1*

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Boston, Massachusetts 02110  
(617) 406-6000

*February 2*  
Dated: January \_\_, 2009

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

Dated: February 06, 2009

