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Attorneys for Plaintiffs,  
Christopher W. Luzier, Esquire  
James F. Humphreys & Associates LC  
500 Virginia Street, East  
800 United Center  
Charleston, West Virginia 25301

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

\_\_\_\_\_)  
IN RE: BEXTRA AND CELEBREX )  
MARKETING SALES PRACTICES AND )  
PRODUCT LIABILITY LITIGATION )  
\_\_\_\_\_)  
**RUSSELL D. BATTEN, et al.,** )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
**PFIZER, INC., et al.** )  
 )  
Defendants. )  
 )  
This matter relates to: )  
**LINDA FRANCIS**, Individually, )  
\_\_\_\_\_ )

Case Specific Number: 3:07-CV-00473  
MDL No. 1699  
District Judge: Charles R. Breyer

**STIPULATION AND ORDER OF  
DISMISSAL WITH PREJUDICE**

**COME NOW** the Plaintiff, **LINDA FRANCIS**, and Defendants, by and through the undersigned attorneys, pursuant to Federal Rule of Civil Procedure, Rule 41(a), and hereby stipulate to the dismissal of this action with prejudice with each side bearing its own attorneys' fees and costs.

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DATED: Feb. 4, 2009.

By: Christopher W. Luzier  
Christopher W. Luzier, Esquire  
James F. Humphreys & Associates LC  
500 Virginia Street, East  
800 United Center  
Charleston, West Virginia 25301  
*Counsel for Plaintiff*

DATED: Feb. 4, 2009.

By: Loren H. Brown  
Loren H. Brown, Esquire  
DLA PIPER  
1251 Avenue of the Americas  
New York, New York 10020-1104  
*Counsel for Defendant*

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

DATED: February 6, 2009.

By: Honorable Charles R. Breyer  
United States District Judge  
**IT IS SO ORDERED**  
CR  
Judge Charles R. Breyer

