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


<b>In re: Bextra and Celebrex Marketing</b>	)	<b>MDL No. 1699</b>
<b>Sales Practices and Product Liability</b>	)	
<b>Litigation</b>	)	<b>District Judge: Charles R. Breyer</b>
	)	
<b>BATTEN, RUSSELL, et al.</b>	)	
	)	<b>Case No.: 3:07-cv-00473-CRB</b>
	)	
<b>Plaintiffs</b>	)	<b><u>STIPULATION AND PROPOSED</u></b>
<b>v.</b>	)	<b><u>ORDER OF DISMISSAL WITH</u></b>
	)	<b><u>PREJUDICE</u></b>
<b>PFIZER INC., PHARMACIA CORP.,</b>	)	
<b>And G. D. SEARLE &amp; CO.</b>	)	
	)	
<b>This document relates to:</b>	)	
<b>PEGGY WHITE, individually and as</b>	)	
<b>PERSONAL REPRESENTATIVE</b>	)	
<b>Of the Estate of JAMES WHITE,</b>	)	
<b>Dec'd.</b>	)	

COME NOW the Plaintiffs and Defendants, by and through their undersigned attorneys, pursuant to the Federal Rule of Civil Procedure, Rule 41, and hereby stipulate to dismissal of this action with prejudice with each side bearing its own attorneys' fees and costs.

Respectfully submitted this the 9 day of Sept, 2009

///

1 Defendants  
2 By: \_\_\_\_\_ /s/  
3 Stuart B. Gordon, Esq.  
4 Matt Holian, Esq.  
5 DLA Piper LLP (USA)  
6 1251 Avenue of the Americas  
7 New York, NY 10020  
8 (212) 335-4846 (office)  
9 (212) 884-8675 (facsimile)  
10 Attorney for the Defendants

11 Plaintiff   
12 By: \_\_\_\_\_  
13 B. Kristian W. Rasmussen, Esq.  
14 Cory Watson Crowder & DeGaris, P.C.  
15 2131 Magnolia Avenue  
16 Birmingham, AL 35205  
17 (205) 328-2200  
18 (205) 324-7896 (facsimile)  
19 Attorney for the Plaintiff

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21  
22 **ORDER OF DISMISSAL WITH PREJUDICE**

23 THIS MATTER having come before this Court on the Parties Stipulation of Dismissal, it  
24 is hereby ORDERED AND ADJUDGED:

25 This matter is dismissed with prejudice with each side bearing its own attorneys' fees and  
26 costs.

27 DONE AND ORDERED this 30th day of September, 2009, in San Francisco,  
28 California.

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