

Kabateck Brown Kellner, LLP  
644 South Figueroa Street  
Los Angeles, California 90017  
(213) 217-5000  
FAX (213) 217-5010

1 **KABATECK BROWN KELLNER LLP**  
2 BRIAN S. KABATECK, ESQ. / BAR #152054  
3 RICHARD L. KELLNER, ESQ. / BAR #171416  
4 644 South Figueroa Street  
5 Los Angeles, CA 90017  
6 Telephone: (213) 217-5000  
7 Facsimile: (213) 217-5010  
8 Email: [bsk@kbklawyers.com](mailto:bsk@kbklawyers.com)

9 **KHORRAMI POLLARD & ABIR LLP**  
10 SHAWN KHORRAMI, ESQ. / BAR #180411  
11 DYLAN POLLARD, ESQ. / BAR #180306  
12 444 So. Flower Street, Thirty-Third Floor  
13 Los Angeles, CA 90071  
14 Telephone: (213) 596-6000  
15 Facsimile: (213) 596-6010  
16 Email: [dpollard@kpalawyers.com](mailto:dpollard@kpalawyers.com)

17 Attorneys for Plaintiffs

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

21 IN RE: BEXTRA AND CELEBREX ) **MDL CASE NO.: 05-CV-1699**  
22 MARKETING SALES PRACTICES AND )  
23 PRODUCT LIABILITY LITIGATION )  
24 \_\_\_\_\_ )  
25 )  
26 ANNEN, et al., ) **CASE NO. CGC-06-456869**  
27 ) **MDL Case No. 07-0953 CRB**  
28 )  
29 Plaintiffs, ) **STIPULATION AND ORDER OF**  
30 ) **DISMISSAL WITH PREJUDICE**  
31 vs. ) **AS TO PLAINTIFF DOMANICK GESVALLI**  
32 )  
33 PFIZER, INC., et al. )  
34 )  
35 Defendants. )  
36 \_\_\_\_\_ )

37 COME NOW, Plaintiff DOMANICK GESVALLI and Defendants PFIZER, INC., et al.,  
38 by and through the undersigned attorneys, pursuant to Federal Rule of Civil Procedure, Rule

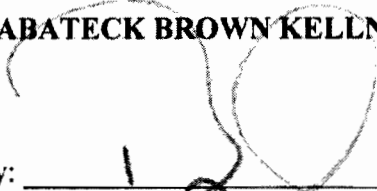
**STIPULATION AND ORDER OF DISMISSAL WITH PREJUDICE**  
**AS TO PLAINTIFF DOMANICK GESVALLI**

1 41(a), and hereby stipulate to the dismissal of Plaintiff DOMANICK GESVALLI from this  
2 action, with prejudice, each side bearing its own attorney's fees and costs.

3  
4 Respectfully submitted,

5  
6 Dated: September 29, 2009

**KABATECK BROWN KELLNER LLP**

7  
8 By:   
9 Brian S. Kabateck, Esq.  
10 Attorneys for Plaintiff DOMANICK GESVALLI

11 Dated: October 27, 2009

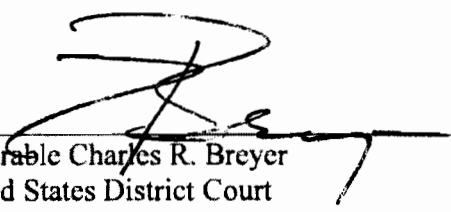
**DLA PIPER LLP**

12  
13 By: /s/  
14 Matthew A. Holian  
15 Attorney for Defendants PFIZER, INC., et al.

16  
17 **ORDER**

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

20  
21 Dated: OCT 29 2009

  
22 Honorable Charles R. Breyer  
23 United States District Court

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