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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 STEVE SMITH**
32)
33 PFIZER, INC., et al.)
34)
35 Defendants.)
36 _____)

37 COME NOW, Plaintiff STEVE SMITH and Defendants PFIZER, INC., et al., by and
38 through the undersigned attorneys, pursuant to Federal Rule of Civil Procedure, Rule 41(a), and

STIPULATION AND ORDER OF DISMISSAL WITH PREJUDICE
AS TO PLAINTIFF STEVE SMITH

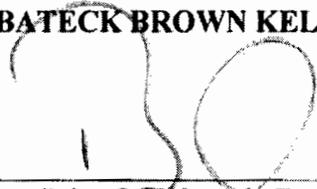
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1 hereby stipulate to the dismissal of Plaintiff STEVE SMITH from this action, with prejudice,
2 each side bearing its own attorney's fees and costs.

3
4 Respectfully submitted,

5 Dated: September 24, 2009

KABATECK BROWN KELLNER LLP

6
7
8 By: 
9 Brian S. Kabateck, Esq.
Attorneys for Plaintiff STEVE SMITH

10
11 Dated: October 27, 2009

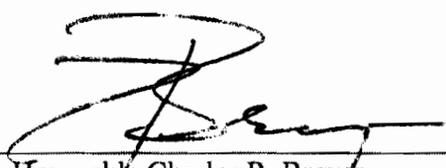
DLA PIPER LLP

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

15
16 **ORDER**

17
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
United States District Court