

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

REICH & BINSTOCK, LLP  
4265 SAN FELIPE, SUITE 1000  
HOUSTON, TX 77027  
Dennis J. Reich, TX Bar No. 16739600  
Robert J. Binstock, TX Bar No. 02328350  
Debbie L. Ziegler, TX Bar No. 12219200  
Telephone: (713) 622-7271  
Facsimile: (713) 623-8724

Attorneys for Plaintiffs, TED PENNINGTON, JR. and CHRISTINE PENNINGTON

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

_____	)	<b>Case No. C-07-1747 CRB</b>
IN RE: BEXTRA AND CELEBREX	)	
MARKETING SALES PRACTICES AND	)	<b>MDL NO. 1699</b>
PRODUCT LIABILITY LITIGATION	)	<b>District Judge: Charles R. Breyer</b>
_____	)	
TED PENNINGTON, JR., individually, and	)	
CHRISTINE PENNINGTON, spouse,	)	
	)	<b>STIPULATION AND ORDER OF</b>
Plaintiffs,	)	<b>DISMISSAL WITH PREJUDICE</b>
	)	
vs.	)	
	)	
PFIZER, INC., PHARMACIA	)	
CORPORATION, AND G.D. SEARLE L.L.C.,	)	
(FKA G.D. SEARLE & CO.),	)	
Defendants.	)	

Come now the Plaintiffs, Ted Pennington, Jr. and Christine Pennington, 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.

1 DATED: August 31, 2009

2 REICH & BINSTOCK, LLP

3  
4 By: 

5  
6 Dennis J. Reich, TX Bar No. 16739600  
7 Robert J. Binstock, TX Bar No. 02328350  
8 Debbie L. Ziegler, TX Bar No. 12219200  
9 4265 San Felipe Blvd, Suite 1000  
Houston, Texas 77027  
Telephone: (713) 622-7271  
Facsimile: (713) 623-8724

10 Attorneys for Plaintiff

11  
12  
13 DATED: Oct. 22, 2009

DLA PIPER LLP (US)

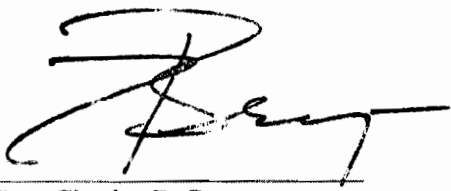
14  
15 By: /s/

Matt Holian

16 Attorneys for Defendants

17  
18  
19 **PURSUANT TO THE TERMS SET FORTH IN THE PARTIES' STIPULATION,**  
20 **IT IS SO ORDERED.**

21  
22 Dated: **OCT 28 2009**

23   
24 Hon. Charles R. Breyer  
United States District Court

25  
26  
27  
28  
DISMISSAL