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9 Attorneys for Plaintiff, BEN KELLY

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA

|    |                                   |   |  |
|----|-----------------------------------|---|--|
| 12 |                                   | ) | <b>Case No. C-07-1749 CRB</b>            |
| 13 | _____                             | ) |  |
| 14 | IN RE: BEXTRA AND CELEBREX        | ) | <b>MDL NO. 1699</b>                      |
| 15 | MARKETING SALES PRACTICES AND     | ) | <b>District Judge: Charles R. Breyer</b> |
| 16 | PRODUCT LIABILITY LITIGATION      | ) |  |
| 17 | _____                             | ) |  |
| 18 | BEN KELLY,                        | ) |  |
| 19 |                                   | ) |  |
| 20 | Plaintiff,                        | ) | <b>STIPULATION AND ORDER OF</b>          |
| 21 |                                   | ) | <b>DISMISSAL WITH PREJUDICE</b>          |
| 22 | vs.                               | ) |  |
| 23 |                                   | ) |  |
| 24 | PFIZER, INC., PHARMACIA           | ) |  |
| 25 | CORPORATION, AND G.D. SEARLE LLC, | ) |  |
| 26 | (FKA G.D. SEARLE & CO.),          | ) |  |
| 27 | Defendants.                       | ) |  |
| 28 | _____                             | ) |  |

29 Come now the Plaintiff, Ben Kelly, and Defendants, by and through the undersigned  
30 attorneys, pursuant to Federal Rule of Civil Procedure, Rule 41(a), and hereby stipulate to the  
31 dismissal of this action **with prejudice** with each side bearing its own attorneys' fees and costs.

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DATED: August 31, 2009

REICH & BINSTOCK, LLP

By: 

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Attorneys for Plaintiffs

DATED: Oct. 22, 2009

DLA PIPER LLP (US)

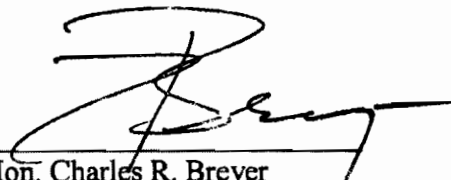
By: /s/

Matt Holian

Attorneys for Defendants

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

Dated: OCT 28 2009

  
Hon. Charles R. Breyer  
United States District Court

DISMISSAL