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(Appearance Pro Hac Vice)  
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9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 SAN FRANCISCO DIVISION

12 IN RE: BEXTRA AND CELEBREX  
MARKETING, SALES PRACTICES  
13 AND PRODUCT LIABILITY  
LITIGATION

No. MDL 05-01699 CRB

STIPULATION AND PROPOSED ORDER  
OF DISMISSAL WITH PREJUDICE

14 \_\_\_\_\_ /  
15 *This document relates to:*

16 *Diane Cross v. Pfizer Inc. et al*

17 No. 3:09-cv-03932-CRB  
18

19 Come now the Plaintiff DIANE CROSS, individually and as representative of the  
20 estate of WILLIAM ONDAR, and Defendants, by and through the undesigned attorneys,  
21 pursuant to Federal Rule of Civil Procedure, Rule 41 (a)(1), and hereby stipulate to the dismissal  
22 of this action with prejudice with each side bearing its own attorneys' fees and costs.  
23

24 DATED: 10/21, 2009

PHILLIPS & ASSOCIATES

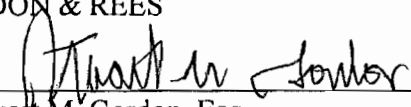
By: \_\_\_\_\_

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28 Attorney for Plaintiff

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DATED ~~11/19/2009~~ <sup>2010</sup>

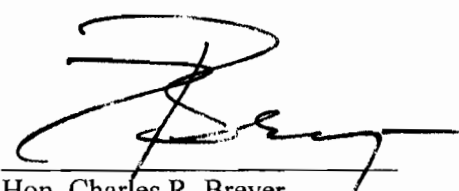
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Attorney for Defendants

**PURSUANT TO THE TERMS SET FORTH IN THE PARTIES' STIPULATION,**

**IT IS SO ORDERED.**

Dated FEB 26 2010

  
Hon. Charles R. Breyer  
United States District Judge