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5 *Attorneys for Boehringer Ingelheim*
 6 *Roxane, Inc. and Roxane*
 7 *Laboratories, Inc.*

8 **UNITED STATES DISTRICT COURT**
 9 **NORTHERN DISTRICT OF CALIFORNIA**

10 **STEPHEN WENDELL, and LISA**
WENDELL, for themselves and as
 11 **successors in interest to MAXX**
WENDELL, deceased,

12 **Plaintiff,**

13 **v.**

14 **JOHNSON & JOHNSON; CENTACOR,**
INC.; ABBOT LABORATORIES;
 15 **SMITHKLINE BEECHAM d/b/a**
GLAXOSMITHKLINE; TEVA
 16 **PHARMACEUTICALS USA; GATE**
PHARMACEUTICALS, a division of
 17 **TEVA PHARMACEUTICALS USA;**
PAR PHARMACEUTICALS; MYLAN
 18 **LABORATORIES, INC.;**
 19 **BOEHRINGER INGELHEIM**
CORPORATION; BOEHRINGER
 20 **INGELHEIM ROXANE, INC., a**
subsidiary of BOEHRINGER
 21 **INGELHEIM CORPORATION;**
ROXANE LABORATORIES, INC., a
 22 **subsidiary of BOEHRINGER**
INGELHEIM CORPORATION; and
 23 **DOES 1 through 150 inclusive,**

24 **Defendants.**

Case No. C 09-04124 CW

Hon. Claudia Wilkins

ORDER DISMISSING BOEHRINGER
INGELHEIM ROXANE, INC. AND
ROXANE LABORATORIES, INC. ONLY
WITHOUT PREJUDICE PURSUANT TO
STIPULATION

ORDER

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Pursuant to the Stipulation of Voluntary Dismissal without Prejudice as to Boehringer Ingelheim Roxane, Inc. and Roxane Laboratories Inc. between plaintiffs Stephen Wendell and Lisa Wendell, for themselves and as successors in interest to Maxx Wendell, deceased (“Plaintiffs”), and defendants Boehringer Ingelheim Roxane, Inc. and Roxane Laboratories Inc. by and through their counsel of record filed on October 30, 2009,

IT IS HEREBY ORDERED that:

- 1. Defendants Boehringer Ingelheim Roxane, Inc. and Roxane Laboratories Inc. are hereby DISMISSED without prejudice;
- 2. Each party shall bear its own costs, fees and expenses, including attorney’s fees, in connection with this dismissal.

IT IS SO ORDERED.

11/2

DATED: _____, 2009



By: _____

Hon. Claudia Wilken
United States District Court Judge

Memphis 1444766v1