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7 Attorneys for Defendant  
 McKesson Corporation

8  
 9 UNITED STATES DISTRICT COURT  
 10 NORTHERN DISTRICT OF CALIFORNIA  
 11 OAKLAND DIVISION  
 12

13 DAVID R. TUCKER, on his behalf and on  
 behalf of all statutory beneficiaries of  
 14 MICHELLE L. TUCKER, Deceased,

15 Plaintiffs,

16 v.

17 MCKESSON CORPORATION, KV  
 PHARMACEUTICAL COMPANY,  
 18 ETHEX CORPORATION and THER-RX  
 CORPORATION,

19 Defendants.  
 20

CASE NO. CV-10-02981-SBA

**STIPULATION AND [PROPOSED]  
 ORDER OF DISMISSAL WITHOUT  
 PREJUDICE OF DEFENDANT  
 MCKESSON ONLY**

Hon. Sandra Brown Armstrong

Complaint filed: June 8, 2010

Trial Date: None Set

21  
 22 **IT IS HEREBY STIPULATED AND AGREED** by and between Plaintiff,

23 DAVID R. TUCKER, on his behalf and on behalf of all statutory beneficiaries of  
 24 MICHELLE L. TUCKER, Deceased, by and through their respective counsel of record,  
 25 Lowell W. Finson of Philips National Injury Law Group, and Defendant, MCKESSON  
 26 CORPORATION, by and through their attorney of record Pamela M. Ferguson of  
 27 Lewis Brisbois Bisgaard & Smith LLP, that this action be dismissed, without prejudice,  
 28

Sep-23-10 09:51pm From


7-703 03/98 F-524

1 as against Defendant MCKESSON CORPORATION, each party to bear their own  
2 costs and attorneys' fees.

*ONLY*

4 DATED: September 23, 2010

PHILIPS NATIONAL INJURY LAW GROUP

By:   
Lowell W. Finson  
Attorneys for Plaintiff, DAVID R.  
TUCKER, on his behalf and on behalf of all  
statutory beneficiaries of MICHELLE L.  
TUCKER, Deceased


11 DATED: September \_\_\_\_\_, 2010

LEWIS BRISBOIS BISGAARD & SMITH LLP

By: \_\_\_\_\_  
Duane C. Musfelt  
Pamela M. Ferguson  
Shahram Nassi  
Attorneys for Defendant  
McKesson Corporation

**ORDER OF DISMISSAL WITHOUT PREJUDICE**

OCTOBER  
IT IS SO ORDERED this 12 day of ~~September~~, 2010.

  
HONORABLE SAUNDRA B. ARMSTRONG  
UNITED STATES DISTRICT COURT JUDGE

LEWIS  
BRISBOIS  
BISGAARD  
& SMITH LLP  
ATTORNEYS AT LAW

4812-3790-4135.1

1 as against Defendant MCKESSON CORPORATION<sup>ONLY</sup>, each party to bear their own  
2 costs and attorneys' fees.

3  
4 DATED: September \_\_\_, 2010 PHILIPS NATIONAL INJURY LAW GROUP

5  
6 By: \_\_\_\_\_  
7 Lowell W. Finson  
8 Attorneys for Plaintiff, DAVID R.  
9 TUCKER, on his behalf and on behalf of all  
10 statutory beneficiaries of MICHELLE L.  
TUCKER, Deceased

11 DATED: September 24, 2010 LEWIS BRISBOIS BISGAARD & SMITH LLP

12  
13 By: *Duane C. Musfelt*  
14 Duane C. Musfelt  
15 Pamela M. Ferguson  
16 Shahram Nassi  
17 Attorneys for Defendant  
McKesson Corporation

18 **ORDER OF DISMISSAL WITHOUT PREJUDICE**

19  
20 IT IS SO ORDERED this \_\_\_ day of September, 2010.

21  
22 \_\_\_\_\_  
23 HONORABLE SAUNDRA B. ARMSTRONG  
24 UNITED STATES DISTRICT COURT JUDGE

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**CERTIFICATE OF SERVICE**  
*Tucker v. McKesson Corporation, et al.*  
U.S.D.C., Northern District, Case No. CV-02981-SBA

STATE OF CALIFORNIA, COUNTY OF SAN FRANCISCO

At the time of service, I was over 18 years of age and not a party to the action. My business address is One Sansome Street, Suite 1400, San Francisco, California 94104. I am employed in the office of a member of the bar of this Court at whose direction the service was made.

On September 24, 2010, I served the following document(s): **STIPULATION AND [PROPOSED] ORDER OF DISMISSAL WITHOUT PREJUDICE OF DEFENDANT MCKESSON ONLY**

I served the documents on the following persons at the following addresses (including fax numbers and e-mail addresses, if applicable):


<p><b><u>Attorneys for Plaintiffs</u></b>  Joshua S. Parilman  Lowell W. Finson  <b>PHILLIPS NATIONAL INJURY GROUP</b>  20 East Thomas Road, 26<sup>th</sup> Floor  Phoenix, AZ 85012  Phone: 602-258-8900  Fax: 602-288-1632  <a href="mailto:parilman@aol.com">parilman@aol.com</a>  <a href="mailto:lowellf@phillipslaw.ws">lowellf@phillipslaw.ws</a></p>	<p>Bonnie Lau  Karen Marchiano  Sonnenschein Nath &amp; Rosenthal LLP  525 Market Street, 26<sup>th</sup> Floor  San Francisco, CA 94105  Phone: 415-882-5000  Fax: 415-882-0300  <a href="mailto:blau@sonnenschein.com">blau@sonnenschein.com</a>  <a href="mailto:kmarchiano@sonnenschein.com">kmarchiano@sonnenschein.com</a></p> <p>Gary M. Roberts  Sonnenschein Nath &amp; Rosenthal LLP  601 South Figueroa Street, Suite 2500  Los Angeles, CA 90017  Phone: 213-623-9300  Fax: 213-623-9924  <a href="mailto:groberts@sonnenschein.com">groberts@sonnenschein.com</a></p>
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The documents were served by the following means:

- (BY U.S. MAIL) I enclosed the documents in a sealed envelope or package addressed to the persons at the addresses listed above and I deposited the sealed envelope or package with the U.S. Postal Service, with the postage fully prepaid.
- (BY COURT'S CM/ECF SYSTEM) Pursuant to Local Rule, I electronically filed the documents with the Clerk of the Court using the CM/ECF system, which sent notification of that filing to the persons listed above.

I declare under penalty of perjury under the laws of the United States of America that the above is true and correct.

Executed on September 24, 2010, at San Francisco, California.

  
\_\_\_\_\_  
Nancy Lew-Pham