

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

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:  
HOWARD HESS DENTAL LABORATORIES :  
INCORPORATED and PHILIP GUTTIEREZ d/b/a :  
DENTURES PLUS, on behalf of themselves and all others :  
similarly situated, :  
:  
Plaintiffs, : C.A. No. 99-255 (SLR)  
:  
-against- :  
:  
DENTSPLY INTERNATIONAL, INC., :  
:  
Defendant. :  
:  
-----X

**STIPULATION AND PROPOSED ORDER OF DISMISSAL WITH  
PREJUDICE, REGARDING CERTAIN CLAIMS AND REQUESTS FOR RELIEF**

It is stipulated and agreed by and between Plaintiffs and Defendant, Dentsply International, Inc., subject to the approval of the Court:

1. that the following Counts in the above-captioned action are dismissed with prejudice: Count I (“Conspiracy to Restrain Trade in Violation of Section 1 of the Sherman Act”); Count III (“Attempt to Monopolize in Violation of Section 2 of the Sherman Act”), Count IV (“Conspiracy to Monopolize in Violation of Section 2 of the Sherman Act”), and Count V (“Restraint of Trade in Violation of Section 3 of the Clayton Act”); and
2. that Plaintiffs’ requests for declaratory relief, as to all Counts, including Counts I through V, are dismissed with prejudice; and

3. that, regarding the stipulated dismissals described in paragraphs 1 and 2, *supra*, only, each party shall bear its own costs.

Dated: October 26, 2007

CHIMICLES & TIKELLIS LLP

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SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2007

\_\_\_\_\_  
United States District Judge