

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: DIET DRUGS (Phentermine/ Fenfluramine/Dexfenfluramine) PRODUCTS LIABILITY LITIGATION	:	MDL DOCKET NO. 1203
THIS DOCUMENT RELATES TO:	:	
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KATHERINE DOSS v. WYETH, et al.	:	CIVIL ACTION NO. 05-20410
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MARY B. FLORES, et al. v. WYETH, et al.	:	CIVIL ACTION NO. 05-20248
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TERRI A. THOMPSON v. WYETH, et al.	:	CIVIL ACTION NO. 05-20415
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PRETRIAL ORDER NO. 5527

AND NOW, this 15<sup>th</sup> day of August, 2005, it is hereby  
ORDERED that:

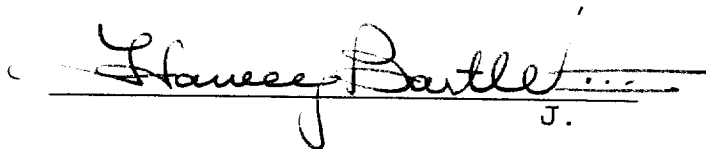
- (1) the motions of plaintiffs to remand in the three  
above-captioned actions are DENIED; and
- (2) the claims against all defendants except Wyeth are  
DISMISSED.

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The three complaints were originally filed by Texas  
citizens in Texas state court in May, 2003, more than five years  
after the diet drugs Pondimin and Redux were withdrawn from the  
market in September, 1997. The defendants include Wyeth, the  
manufacturer of these diet drugs, as well as non-diverse  
prescribing physicians. Wyeth is of diverse citizenship while  
the physician defendants are not. There are no federal claims.

Wyeth timely removed these actions to the United States District Court for the Southern District of Texas. These actions were then transferred to this court as part of MDL 1203. Wyeth contends that the non-diverse physician defendants are fraudulently joined.

For the reasons set forth in Memorandum and Pretrial Order No. 3666 in Accadia, et al. v. Wyeth, et al., CIV. A. No. 03-20546 (E.D. Pa. June 29, 2004), we find and conclude that all defendants except Wyeth are fraudulently joined to avoid federal subject matter jurisdiction. Accordingly, we are denying plaintiffs' motions to remand.

BY THE COURT:

  
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J.