

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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MELISSA AREINGDALE, et al.	:	
v.	:	CIVIL ACTION NO. 04-29833
WYETH	:	

PRETRIAL ORDER NO. 5535

AND NOW, this 15th day of August, 2005, it is hereby ORDERED that the motion of plaintiffs to remand is DENIED.

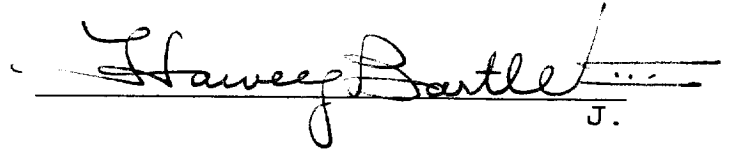
The above-captioned complaint was originally filed by Texas citizens in Texas state court on April 28, 2004, more than five years after the diet drugs Pondimin and Redux were withdrawn from the market in September, 1997. The sole defendant named in plaintiffs' complaint is Wyeth, the manufacturer of these diet drugs. There are no federal claims.

Wyeth timely removed this action to the United States District Court for the Southern District of Texas. Wyeth contends that there are no non-diverse physician defendants named in plaintiffs' complaint and thus this matter was appropriately transferred to this court as part of MDL 1203.

Based upon our review of plaintiffs' complaint which indicates that plaintiffs are both citizens of Texas and the only defendant named is Wyeth, a Delaware corporation with its

principal place of business in New Jersey, we find and conclude that pursuant to 28 U.S.C. § 1332(a)(1), the federal court properly has jurisdiction over this matter. Accordingly, we are denying plaintiffs' motion to remand.

BY THE COURT:



J.