

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

IN RE DIET DRUGS	§	
PHENTERMINE/FENFLURAMINE/ DEXFENFLURAMINE) PRODUCTS	§	
LIABILITY LITIGATION	§	MDL NO. 1203
	§	
	§	
	§	
	§	
ROBERT STEWART	§	
	§	
v.	§	MDL NO. 05-20895
	§	
WYETH, ET AL	§	

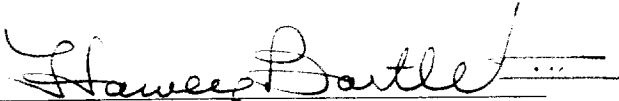
STIPULATION AND PRETRIAL ORDER NO. 5548

AND NOW, this 15th day of August, 2005, it is hereby STIPULATED, ORDERED, ADJUDGED and DECREED, pursuant to Federal Rule of Civil Procedure 41 (a)(1)(ii), that the Complaint in the above-captioned case is hereby dismissed without prejudice as to Defendant Magdi Elsaddi, M.D., only, with each party to bear its own costs and counsel fees.

Notwithstanding the foregoing, this dismissal shall be subject to the terms and conditions in the Nationwide Class Action Settlement Agreement, and this Order shall not affect any right to which Plaintiff may be entitled pursuant to such Agreement.

This Stipulation is filed on behalf of Plaintiff Robert Stewart and Defendant Magdi Elsaddi, M.D., who have appeared in the above-captioned matter.

APPROVED AND SO ORDERED THIS _____ DAY OF _____, 2005:



Hon. Harvey Bartle, III

APPROVED:

BY: Russell T. Abney

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