

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

IN RE DIET DRUGS
(PHENTERMINE/FENFLURAMINE/
DEXFENFLURAMINE) PRODUCTS
LIABILITY LITIGATION

)
)
) MDL Docket No. 1203
)
)

) Individual C.A. No. 03-20758-HB
)
)

CYNTHIA CHERRY and
JOHN CHERRY

) [Transferred from U.S.D.C.
) S.D. Tex. C.A. No. G-03-0737]
)
)

v.

WYETH

STIPULATION AND PRETRIAL ORDER NO. 5564

AND NOW, this 15th day of August, 2005, it is hereby STIPULATED, ORDERED, ADJUDGED and DECREED, pursuant to Federal Rules of Civil Procedure 41(a)(1)(ii), that plaintiffs Cynthia Cherry and John Cherry hereby dismiss with prejudice this action as to all defendants, Wyeth, Lynn Honeycutt, Jr., Paula K. Howard, Kelly D. Lindsey, John S. Stafford, M.D. and Walgreen Company, with each party to bear its own costs and counsel fees. This dismissal shall be with prejudice. Notwithstanding the foregoing, this dismissal shall be subject to the terms and conditions in the Nationwide Class Action Settlement Agreement and as agreed to in the Request to Revoke Opt-Out Form executed by the Plaintiff on June 14, 2004, and agreed to by Wyeth on July 2, 2004.


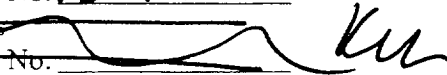
This Stipulation is filed on behalf of plaintiffs Cynthia Cherry and John Cherry and defendants Wyeth, Lynn Honeycutt, Jr., Walgreen Company, who have appeared in the above-captioned matter.

APPROVED AND
SO ORDERED:


Honorable Judge Harvey Bartle III

Respectfully submitted,

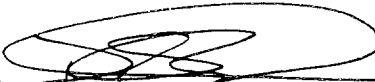
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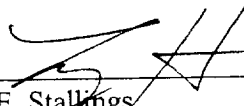
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