

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

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

RECEIVED
MAY 3 4 2000
MDL Docket No. 1203

THIS DOCUMENT RELATES TO ALL
ACTIONS

PRETRIAL ORDER NO. 1323

**STIPULATION AND ORDER WITH RESPECT TO AMERICAN HOME
PRODUCTS CORPORATION'S OCTOBER 15, 1999 MOTION TO
EXCLUDE EXPERT TESTIMONY OF JOHN W. FAROUHAR, M.D.**

IT IS HEREBY STIPULATED AND AGREED by and between the Plaintiffs' Management Committee ("PMC") and defendant American Home Products Corporation ("AHP"), through their respective undersigned counsel, that:

(1) The PMC agrees that Dr. John W. Farquhar, M.D., whom they have designated as a generic expert, while he will be presenting testimony regarding his opinions on the risks associated with fenfluramine and dexfenfluramine:

- (a) is not being offered as an expert and will not be providing opinions regarding types of medical monitoring or what kind of medical monitoring may or may not be appropriate for people who have taken fenfluramine or dexfluramine;
- (b) is not being offered as an expert and will not be providing opinions regarding bacterial endocarditis or antibiotic prophylaxis to prevent bacterial endocarditis, including, but not limited to, whether or not people

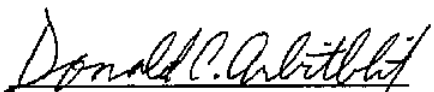
who have taken fenfluramine or dexfenfluramine have any increased risk for endocarditis and whether or not people who have taken fenfluramine or dexfenfluramine should receive antibiotic prophylaxis;

- (c) is not being offered as an expert and will not be providing opinions regarding the adequacy or any other aspect of the labeling for Pondimin® or Redux™;
- (d) is not being offered as an expert and will not be providing opinions regarding the efficacy of Pondimin® or Redux™, including, but not limited to, opinions regarding the risk/benefit ratio of these drugs and whether or not the drugs were appropriately on the market; and
- (e) is not being offered as an expert and will not be providing opinions regarding the conduct of American Home Products or any of its subsidiaries or affiliates, including, but not limited to, conduct in the areas of drug safety surveillance, drug labeling, drug approval and conduct of clinical trials, and drug marketing.

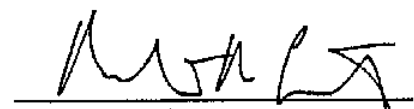
(2) Based on the areas listed in (1)(a)-(e) above in which Dr. Farquhar is not offering testimony, AHP agrees to withdraw its pending Motion to Exclude Expert Testimony of John W. Farquhar, M.D. (filed October 15, 1999) and agrees not to question Dr. Farquhar about these same areas during future depositions or trial testimony in MDL 1203. In the event that Dr. Farquhar subsequently offers testimony in any of the above enumerated areas, AHP reserves the right to refile its motion and/or move to strike such testimony as in violation of this stipulation, as well as to question Dr. Farquhar about such testimony.

(3) This Stipulation does not address possible motions relating to any supplemental report or supplemental testimony that may be provided in the future by Dr. Farquhar.

(4) This Stipulation does not address possible motions relating to Dr. Farquhar's use of information provided by Professor William Brown, about which the parties reserve their respective rights.


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On behalf of the Plaintiffs'
Management Committee

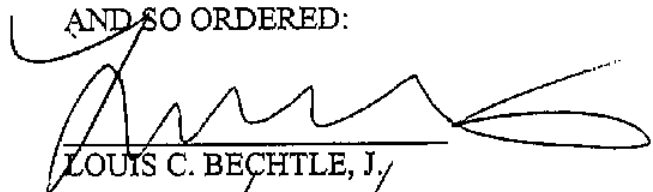

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On behalf of American Home
Products Corporation

Dated:

APPROVED BY THE COURT
AND SO ORDERED:


LOUIS C. BECHTLE, J.

5/25/00