

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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MARY GREEN, et al.	:	
v.	:	CIVIL ACTION NO. 04-20866
WYETH, et al.	:	
HELEN GRIFFIN-RIVERA, et al.	:	
v.	:	CIVIL ACTION NO. 04-20950
WYETH, et al.	:	
LORRAINE HAMMER	:	
v.	:	CIVIL ACTION NO. 04-21048
WYETH, et al.	:	
VANESSA MILLER, et al.	:	
v.	:	CIVIL ACTION NO. 04-21042
WYETH, et al.	:	
ANGELA MODESTER, et al.	:	
v.	:	CIVIL ACTION NO. 04-21020
WYETH, et al.	:	
EDRA MOORE-BAILEY, et al.	:	
v.	:	CIVIL ACTION NO. 04-21026
WYETH, et al.	:	
DEBORAH MORRISON, et al.	:	
v.	:	CIVIL ACTION NO. 04-21006
WYETH, et al.	:	
PAMELA PADDEN, et al.	:	
v.	:	CIVIL ACTION NO. 04-20963
WYETH, et al.	:	
CAROLYN SMITH, et al.	:	
v.	:	CIVIL ACTION NO. 04-20990
WYETH, et al.	:	
MARIE SMITH, et al.	:	
v.	:	CIVIL ACTION NO. 04-20981
WYETH, et al.	:	
EMILY STOVER, et al.	:	
v.	:	CIVIL ACTION NO. 04-20973
WYETH, et al.	:	

DEBRA STUART, et al.	:	
v.	:	CIVIL ACTION NO. 04-20850
WYETH, et al.	:	
	:	
MARY WELLS, et al.	:	
v.	:	CIVIL ACTION NO. 04-21018
WYETH, et al.	:	
	:	
SHARON WOOTEN, et al	:	
v.	:	CIVIL ACTION NO. 04-20979
WYETH, et al.	:	
	:	

PRETRIAL ORDER NO. 4017

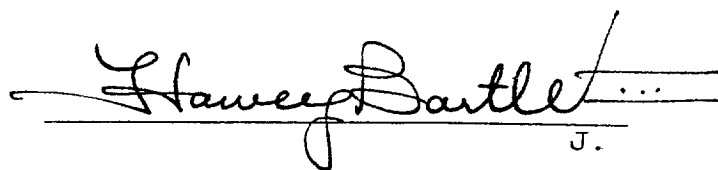
AND NOW, this 5th day of October, 2004, it is hereby ORDERED that:

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

The fourteen complaints were originally filed by Texas citizens in the Texas state courts in either Dallas or Tarrant County in May of 2003, more than five years after the diet drugs Pondimin and Redux were withdrawn from the market in September, 1997.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, and non-diverse physician defendants who allegedly prescribed the diet drugs to plaintiffs. There are no federal claims. Wyeth timely removed these actions to the United States District Court for the Northern District of Texas. All of these cases were then transferred to this court as part of MDL 1203.

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 the motions to remand.

BY THE COURT:

A handwritten signature in cursive script, reading "Hawsep Bartle", is written over a horizontal line. To the right of the signature, there are three dots "...". Below the signature, the letter "J." is printed.