

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: DIET DRUGS (Phentermine /
Fenfluramine / Dexfenfluramine)
PRODUCTS LIABILITY LITIGATION

MDL DOCKET NO. 1203

This document relates to:

JANICE BINION, et al.,
Plaintiffs,

CIVIL ACTION NO. 2:02cv20119

v.

WYETH-AYERST PHARMACEUTICALS,
INC., et al.,

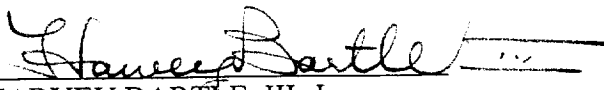
Defendants.

STIPULATION AND PRETRIAL ORDER NO. 4012

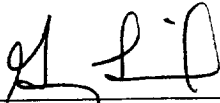
AND NOW, this 4th day of October, 2004, it is hereby STIPULATED, ORDERED, ADJUDGED and DECREED, pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, that the claims of plaintiff Beverly Fleming in the above-captioned case are hereby dismissed with prejudice as to all named defendants, with each party to bear its own costs and counsel fees. This dismissal shall not affect any of the rights that this plaintiff may have under the Accelerated Implementation Option of the Nationwide Class Action Settlement of the litigation against Wyeth relating to the diet drugs Pondimin and Redux.

This stipulation complies with Rule 41(a) of the Federal Rules of Civil Procedure. All parties in this action who have entered an appearance have executed this dismissal through the undersigned counsel of record.

APPROVED AND SO ORDERED:


HARVEY BARTLE, III, J.

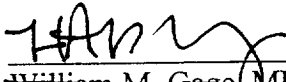
AGREED TO:



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