

**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:

LISA BISHOP, et al.,

Plaintiffs,

v.

TERRY LOWE, M.D., et al.,

Defendants.

CIVIL ACTION NO. 2:03cv20601

STIPULATION AND PRETRIAL ORDER NO. 4011


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 Peggy Brooks 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:


Bryan Aylstock, Bar# 100828
Justin Witkin, MB# 100827
AYLSTOCK, WITKIN & SASSER, P.L.C.
55 Baybridge Drive
Gulf Breeze, FL 32561

ATTORNEYS FOR PLAINTIFFS


William M. Gage, MB #8691
BUTLER, SNOW, QMARA, STEVENS & CANNADA, PLLC
17th Floor, AmSouth Plaza
Post Office Box 22567
Jackson, Mississippi 39225-2567

ATTORNEY FOR WYETH and WYETH PHARMACEUTICALS, INC.

William Dalehite, Jr., MB# 5566
Lanny R. Pace, MB# 9996
STEEN, DALEHITE & PACE
P. O. Box 900
Jackson, MS 39205-0900

ATTORNEYS FOR INDEVUS PHARMACEUTICALS, INC. f/k/a INTERNEURON
PHARMACEUTICALS, INC.