

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

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

ELLEN MCDONALD and GERALD  
MCDONALD,

Plaintiffs,

v.

WYETH, INC., f/k/a AMERICAN HOME  
PRODUCTS CORPORATION, et al.

Defendants.

MDL Docket No. 1203

MDL Civil Action No.: 3:04-cv-00402;  
04-28298

Transferred From:

United States District Court  
For The Eastern District of Tennessee

**PRETRIAL ORDER # 6026**

WHEREAS, the Parties stipulate that due to the death of Plaintiff, ELLEN M. MCDONALD, the following parties are substituted in place and stead of Plaintiff ELLEN M. MCDONALD:

**GERALD R. MCDONALD, as husband and surviving spouse of ELLEN M. MCDONALD, deceased, for himself and on behalf of RICHARD MCDONALD, DEBBIE MCDONALD, CYNTHIA BRANIM, TRACY HAROLD, AND KIMBERLY REEVES, the surviving children and next of kin of decedent ELLEN M. MCDONALD.**

WHEREAS, the Parties stipulate that this action will proceed as an action for wrongful death by Plaintiff submitting the First Amended Complaint for filing the original of which is in the possession of the Special Master's office.

It is hereby ORDERED that GERALD R. MCDONALD, as husband and surviving spouse of ELLEN M. MCDONALD, deceased, for himself and on behalf of

RICHARD MCDONALD, DEBBIE MCDONALD, CYNTHIA BRANIM, TRACY HAROLD, AND KIMBERLY REEVES, the surviving children and next of kin of decedent ELLEN M. MCDONALD are substituted as the Plaintiffs in the above captioned action and the First Amended Complaint is accepted for filing. This action will now proceed as an action for the wrongful death of Ellen M. McDonald.

BY THE COURT:

Dated: February 28, 2006

Harvey Bartlett

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MCDONALD,

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WYETH, INC., f/k/a AMERICAN HOME  
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**STIPULATION SUBSTITUTING PARTIES AND FILING OF  
FIRST AMENDED COMPLAINT**

As a result of extraordinary circumstances brought about by the death of Plaintiff ELLEN M. MCDONALD, Plaintiffs ELLEN M. MCDONALD and GERALD MCDONALD and Defendants, WYETH, INC., f/k/a AMERICAN HOME PRODUCTS CORPORATION, et al., (hereinafter collectively "the Parties") by and through their attorneys of record herein, hereby stipulate to the following:

1. The Parties stipulate that due to the death of Plaintiff, ELLEN M. MCDONALD, the following parties are substituted in place and stead of Plaintiff ELLEN M. MCDONALD:

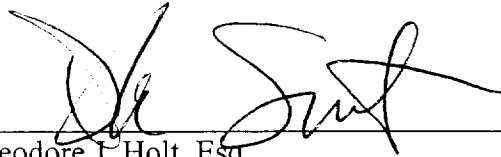
**GERALD R. MCDONALD, as husband and surviving spouse of ELLEN M. MCDONALD, deceased, for himself and on behalf of RICHARD MCDONALD, DEBBIE MCDONALD, CYNTHIA BRANIM, TRACY HAROLD, AND KIMBERLY REEVES, the surviving children and next of kin of decedent ELLEN M. MCDONALD.**

2. The Parties stipulate that this action will proceed as an action for wrongful death by Plaintiff submitting the First Amended Complaint for filing attached hereto as Exhibit "A."

IN WITNESS WHEREOF, the Parties hereto have caused this Stipulation to be executed by their duly authorized representatives.

DATED: November 30 2005

COUNSEL FOR PLAINTIFFS

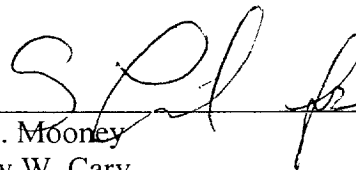


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DATED: November 21 2005

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