

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

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

MDL No. 1203

This document relates to
KATHY ASHBY, DIANA BETTINO,
BEVERLY DESPAIN, PENNY ELMER,
KATHRYN EVETT, TERRI GEORGE,
DORIS HOWE, PEGGY HUNSAKER,
DEBORAH JOHNSON, KATHI
JOHNSON, DENISE LONDON,
MARGARET MARTINEZ, CONNIE
MASON, DIANE MILLER, LINDA
PITELLI, DARLENE RIDGEWAY,
TERESA SACKETT, NANCY SIMPSON,
PATTI YOUNG,

CIVIL ACTION NO. 02-20166

Plaintiffs,

vs.

WYETH, INC., et al.,

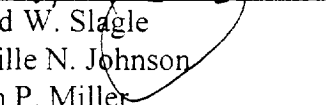
Defendants.

STIPULATION AND PRETRIAL ORDER NO. 3523
AS TO PLAINTIFF BEVERLY DESPAIN

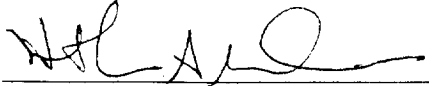
AND NOW, this 12th day of May, 2004, it is hereby STIPULATED,
ORDERED, ADJUDGED and DECREED, pursuant to Federal Rule of Civil Procedure
41(a)(1)(ii), that all claims of plaintiff BEVERLY DESPAIN in the above-captioned case are
hereby dismissed without prejudice as to all defendants, with each party to bear its own costs and
counsel fees.

In the event that plaintiff BEVERLY DESPAIN re-files any claim or action arising out of
the use of Pondimin or Redux, plaintiff shall re-file such claim or action in federal court only.

This Stipulation is filed on behalf of plaintiff BEVERLY DESPAIN and all defendants who have appeared in the above-captioned matter, those being Wyeth¹ and Wyeth Pharmaceuticals².



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APPROVED AND SO ORDERED



Harvey Bartle, III
United States District Judge

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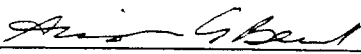
¹ Defendant Wyeth (formerly known as American Home Products Corporation (“AHP”)) was improperly designated in plaintiff’s Complaint as “Wyeth, Inc.” On August 3, 1998, A. H. Robins Company, Inc., merged into AHP and ceased to exist as a separate entity.

² Wyeth Pharmaceuticals, formerly known as Wyeth-Ayerst Laboratories Division of AHP, was improperly designated in plaintiff’s Complaint as “Wyeth Pharmaceuticals, fka Wyeth-Ayerst Laboratories Company.”

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the attached **STIPULATION AND PRETRIAL ORDER AS TO PLAINTIFF BEVERLY DESPAIN** was served by regular, first-class mail on the 27 day of April, 2004, upon the following:

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