

PTO 4562

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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ELIZABETH A. ALLISON	:	
v.	:	CIVIL ACTION NO. 04-26543
WYETH, et al.	:	
DONNA K. ANDERSON	:	
v.	:	CIVIL ACTION NO. 04-26406
WYETH, et al.	:	
LORI C. BRAYER	:	
v.	:	CIVIL ACTION NO. 04-26414
WYETH, et al.	:	
MILDRED D. CADE	:	
v.	:	CIVIL ACTION NO. 04-26471
WYETH, et al.	:	
JONI E. CARLISLE	:	
v.	:	CIVIL ACTION NO. 04-26413
WYETH, et al.	:	
KAROLYNN K. CAVANAUGH	:	
v.	:	CIVIL ACTION NO. 04-26419
WYETH, et al.	:	
JOSEPHINE CLAIBORN	:	
v.	:	CIVIL ACTION NO. 04-26452
WYETH, et al.	:	
CYNTHIA L. CRAWFORD	:	
v.	:	CIVIL ACTION NO. 04-26629
WYETH, et al.	:	
HELEN J. DAGLAS	:	
v.	:	CIVIL ACTION NO. 04-26481
WYETH, et al.	:	
CANDIS M. DIXON	:	
v.	:	CIVIL ACTION NO. 04-26498
WYETH, et al.	:	
CHERYL L. GARZA	:	
v.	:	CIVIL ACTION NO. 04-26454
WYETH, et al.	:	
TERRIE L. GREEN	:	
v.	:	CIVIL ACTION NO. 04-26506
WYETH, et al.	:	
SHARON HAGEWOOD	:	
v.	:	CIVIL ACTION NO. 04-26409
WYETH, et al.	:	
BEN L. HAMMERLE	:	
v.	:	CIVIL ACTION NO. 04-26616
WYETH, et al.	:	

JANET M. JACKSON	:	
v.	:	
<u>WYETH, et al.</u>	:	CIVIL ACTION NO. 04-26617
DONNA L. JEWELL	:	
v.	:	
<u>WYETH, et al.</u>	:	CIVIL ACTION NO. 04-26404
ELIDA M. JIMENEZ	:	
v.	:	
<u>WYETH, et al.</u>	:	CIVIL ACTION NO. 04-26411
ESSIE L. JONES	:	
v.	:	
<u>WYETH, et al.</u>	:	CIVIL ACTION NO. 04-26432
HELEN L. JORDAN	:	
v.	:	
<u>WYETH, et al.</u>	:	CIVIL ACTION NO. 04-26398
DESIREE KUSCHEL	:	
v.	:	
<u>WYETH, et al.</u>	:	CIVIL ACTION NO. 04-26574
GLORIA G. LOZANO	:	
v.	:	
<u>WYETH, et al.</u>	:	CIVIL ACTION NO. 04-26329
MARILYN S. LYTTLE	:	
v.	:	
<u>WYETH, et al.</u>	:	CIVIL ACTION NO. 04-26433
SANDY C. MARTIN	:	
v.	:	
<u>WYETH, et al.</u>	:	CIVIL ACTION NO. 04-26628
ELLEN J. MCDONALD	:	
v.	:	
<u>WYETH, et al.</u>	:	CIVIL ACTION NO. 04-26615
MARIZELLA MERCADO	:	
v.	:	
<u>WYETH, et al.</u>	:	CIVIL ACTION NO. 04-26604
TISHIE L. MOYE	:	
v.	:	
<u>WYETH, et al.</u>	:	CIVIL ACTION NO. 04-26630
SUE E. PIERCE	:	
v.	:	
<u>WYETH, et al.</u>	:	CIVIL ACTION NO. 04-26392
ENEDELIA PINA	:	
v.	:	
<u>WYETH, et al.</u>	:	CIVIL ACTION NO. 04-26621
CAROLYN A. ROLLS	:	
v.	:	
<u>WYETH, et al.</u>	:	CIVIL ACTION NO. 04-26427
PATRICIA ROSS	:	
v.	:	
<u>WYETH, et al.</u>	:	CIVIL ACTION NO. 04-26618
CAROLYN J. SAWYER	:	
v.	:	
<u>WYETH, et al.</u>	:	CIVIL ACTION NO. 04-26511

DEBRA L. SCOTT	:	
v.	:	CIVIL ACTION NO. 04-26552
WYETH, et al.	:	
HELEN STIPE	:	
v.	:	CIVIL ACTION NO. 04-26486
WYETH, et al.	:	
IRENE K. STRAUSS	:	
v.	:	CIVIL ACTION NO. 04-26580
WYETH, et al.	:	
JOHN A. STROUP	:	
v.	:	CIVIL ACTION NO. 04-26365
WYETH, et al.	:	
LINDA SULLIVAN	:	
v.	:	CIVIL ACTION NO. 04-26322
WYETH, et al.	:	
SANDRA TILTON	:	
v.	:	CIVIL ACTION NO. 04-26394
WYETH, et al.	:	
LYNETTE WATKINS-CHILO	:	
v.	:	CIVIL ACTION NO. 04-26603
WYETH, et al.	:	
CATHY E. WEBSTER	:	
v.	:	CIVIL ACTION NO. 04-26339
WYETH, et al.	:	
RON W. WILLS	:	
v.	:	CIVIL ACTION NO. 04-26483
WYETH, et al.	:	
BONNIE J. ZIEBEN	:	
v.	:	CIVIL ACTION NO. 04-26553
WYETH, et al.	:	

PRETRIAL ORDER NO. 4562

AND NOW, this 8th day of March, 2005, it is hereby ORDERED that:

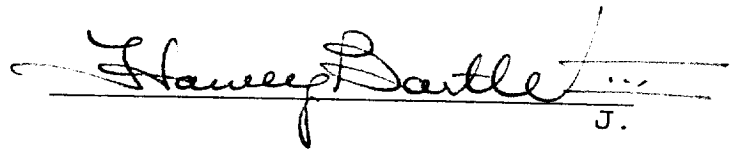
(1) the motions of plaintiffs to remand in the above-captioned actions are DENIED; and

(2) all defendants in the above-captioned actions except Wyeth are DISMISSED.

The 41 complaints were originally filed by Texas citizens in the various judicial district courts of Harris County Texas in May 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, as well as non-diverse physician defendants who allegedly prescribed diet drugs to plaintiffs. There are no federal claims. Wyeth timely removed these actions to the appropriate federal district court. 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:


J.