

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

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|---|---|---------------------------|
| IN RE: DIET DRUGS (Phentermine/<br>Fenfluramine/Dexfenfluramine)<br>PRODUCTS LIABILITY LITIGATION | : | MDL DOCKET NO. 1203       |
| THIS DOCUMENT RELATES TO:   | : |                           |
| -----   | : |                           |
| LESLIE BALES, et al.  | : |                           |
| v.  | : | CIVIL ACTION NO. 04-20899 |
| WYETH, et al.   | : |                           |
| SUSAN FABOS, et al.   | : |                           |
| v.  | : | CIVIL ACTION NO. 04-21011 |
| WYETH, et al.   | : |                           |
| KATHRYN MOORE, et al.   | : |                           |
| v.  | : | CIVIL ACTION NO. 04-21022 |
| WYETH, et al.   | : |                           |
| CHERYL L. PETERSON, et al.  | : |                           |
| v.  | : | CIVIL ACTION NO. 04-21013 |
| WYETH, et al.   | : |                           |
| PAULA SCHIRMAN, et al.  | : |                           |
| v.  | : | CIVIL ACTION NO. 04-20989 |
| WYETH, et al.   | : |                           |
| PATTY G. TALAMANTEZ, et al.   | : |                           |
| v.  | : | CIVIL ACTION NO. 04-21024 |
| WYETH, et al.   | : |                           |
| ZELMA D. TATE, et al.   | : |                           |
| v.  | : | CIVIL ACTION NO. 04-20987 |
| WYETH, et al.   | : |                           |
| BARBARA A. WATTS, et al.  | : |                           |
| v.  | : | CIVIL ACTION NO. 04-21012 |
| WYETH, et al.   | : |                           |

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PRETRIAL ORDER NO. 4054

AND NOW, this 22nd day of October, 2004, it is hereby  
ORDERED that:

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

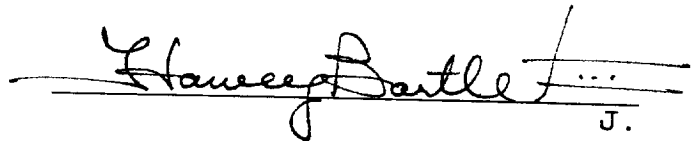
(2) all defendants in the above-captioned actions except Wyeth are DISMISSED.

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The eight complaints were originally filed by Texas citizens in either Dallas or Tarrant County state courts in May, 2003, more than five years after the diet drugs Pondimin and Redux were withdrawn from the market in September, 1997.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, and non-diverse physician defendants who allegedly prescribed diet drugs to plaintiffs. There are no federal claims. Wyeth timely removed these actions to the United States District Court for the Northern District of Texas. 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.