

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

MARGARET HORNBERGER and
RICHARD HORNBERGER, her husband

Civil Action No. 03-20257

Plaintiff,

v.

WYETH, INC. f/k/a AMERICAN
HOME PRODUCTS CORPORATION
EON LABS, INC.; IVAX CORPORATION;
IVAX CORPORATION,
ALLEN BRZOZOWKI; and
DONNA PROPHITT

Defendants.

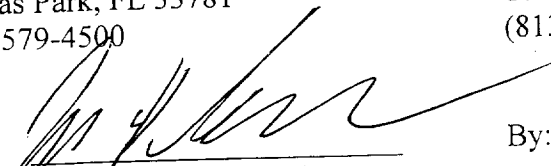
STIPULATION AND PRETRIAL ORDER NO. 4056

IT IS on this 26th day of October, 2004, STIPULATED,
ORDERED, ADJUDGED and DECREED, pursuant to Federal Rule of Civil Procedure
41(a)(1)(ii), that the Complaint filed herein in the above-captioned action is hereby
dismissed with prejudice, with each party to bear its own costs and counsel fees.

Dismissal of this action does not extinguish or otherwise adversely affect any rights Plaintiffs may have to pursue all remedies available to them as members of a class action against WYETH, INC., f/k/a AMERICAN HOME PRODUCTS, in the Eastern District of Pennsylvania, *In re: Diet Drugs (Phentermine/Fenfluramine/Dexfenfluramine) Products Liability Litigation*, MDL No. 1203.

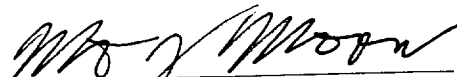
SAUNDERS & WALKER, P.A.
Attorney for Plaintiff
3491 Gandy Boulevard North, Suite 200
Pinellas Park, FL 33781
(727) 579-4500

By:

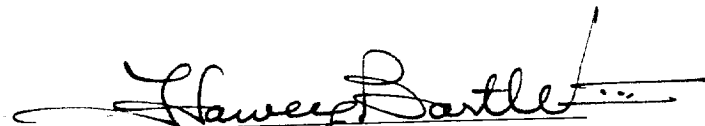

Joseph H. Saunders, Esq.
Florida Bar No.: 341746

SHOOK, HARDY & BACON, L.L.P.
Attorney for Defendant
100 North Tampa Street, Suite 2900
Tampa, FL 33602
(813) 202-7100

By:


Matthew J. Moore, Esq.
Florida Bar No.: 476587

APPROVED AND SO ORDERED on this ____ day of _____, 2004.


United States District Judge

Copies to counsel of record