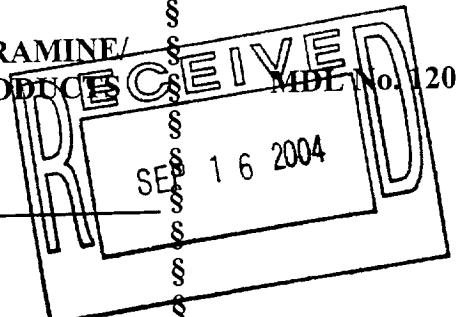


ORIGINAL

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

IN RE DIET DRUGS
(PHENTERMINE/FENFLURAMINE/
DEXFENFLURAMINE) PRODUCTS
LIABILITY LITIGATION



MARSHA SEABOURNE,

v.

WYETH, ET AL.

Civ. No. 2:03-CV-20346-HB

STIPULATION AND PRETRIAL ORDER NO. 4057


AND NOW, this 26th day of October, 2004, it is hereby STIPULATED, ORDERED, ADJUDGED and DECREED, pursuant to Federal Rule of Civil Procedure 41 (a)(1)(ii), that the claims of Plaintiff Marsha Seabourne are hereby dismissed without prejudice as to all named Defendants, with each party to bear its own costs and counsel fees.

Notwithstanding the foregoing, this Order shall not affect any right to which Plaintiff may be entitled pursuant to the Nationwide Class Action Settlement Agreement with Wyeth.

In the event that Plaintiff 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, and Plaintiff shall name no new defendants.

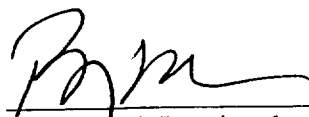
This Stipulation is filed on behalf of Plaintiff Marsha Seabourne and all Defendants who have appeared in the above-captioned matter.

APPROVED AND SO ORDERED:


Hon. Harvey Bartle, III

APPROVED:

O'QUINN, LAMINACK & PIRTLE

By: 
Richard N. Laminack
Texas State Bar No. 11850350

Buffy K. Martines
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