

**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
)	
)	CIVIL ACTION NO. 04-D-0767 (PAC)
<hr/>		
This Document Relates to:)	
)	
SUSAN D. DIEDRICK,)	
)	
Plaintiff,)	
)	
v.)	
)	
WYETH, and AHP SUBSIDIARY HOLDING CORPORATION,)	Case No. 04-cv-229 ⁸¹ 50 -HB
)	
Defendants.)	
)	
<hr/>		

STIPULATION AND PRETRIAL ORDER NO. 4075

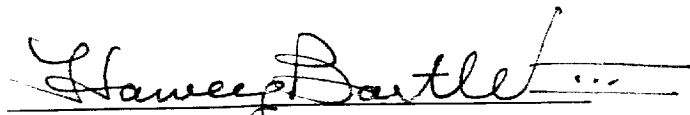
THIS MATTER comes before the Court on the stipulated joint motion of Plaintiff Susan D. Diedrick and the Defendants to dismiss the claims of Plaintiff Susan D. Diedrick without prejudice as against Defendants.

Plaintiff's claims are subject to §I.46, §I.53, and §VII.B.4 of the **Nationwide Class Action Agreement of *In Re: Diet Drugs Product Liability Litigation*, MDL 1203 (E.D. Pa.) and *Brown v. American Home Products Corporation*, Civil Action No. 99-20593 (E.D. Pa.)**. The Plaintiff's claims in this case are for injuries and damages arising from pulmonary hypertension ("PPH"), allegedly caused by her ingestion of diet pills manufactured and distributed by the Defendant.

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 Complaint in the above-captioned case is hereby dismissed without prejudice as to all named Defendants, with each party to bear its own costs and counsel fees.

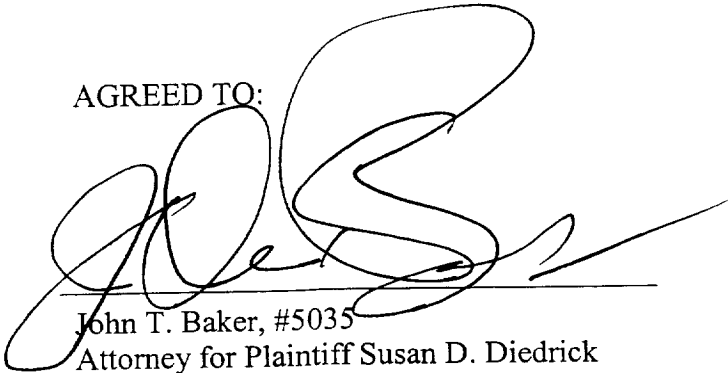
This Stipulation is filed on behalf of Plaintiff and all Defendants who have appeared in the above-captioned matters, those being Wyeth and AHP Subsidiary Holding Corporation.

APPROVED AND SO ORDERED:

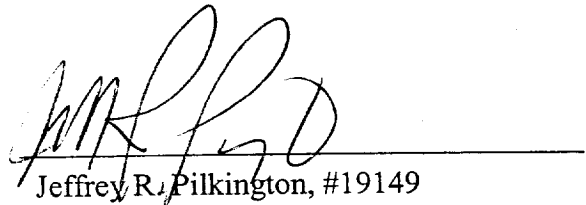


HARVEY BARTLE III, J.

AGREED TO:



John T. Baker, #5035
Attorney for Plaintiff Susan D. Diedrick
JOHN T. BAKER, P.C.
469 South Cherry Street, Suite 100
Denver, CO 80246
Telephone: (303) 320-1911
Facsimile: (303) 458-5180
johntbakerpc@msn.com



Jeffrey R. Pilkington, #19149
Attorney for Defendant
DAVIS GRAHAM & STUBBS LLP
1550 Seventeenth Street, Suite 500
Denver, CO 80202
Telephone: (303) 892-9400
Facsimile: (303) 893-1379