

**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)
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This Document Relates to:)	
)	
BRAD ASHER,)	
)	
Plaintiff,)	
)	
v.)	
)	
WYETH, and AHP SUBSIDIARY HOLDING CORPORATION,)	Case No. 04-cv-229 ⁸⁴ 50 -HB
)	
)	
Defendants.)	
)	
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STIPULATION AND PRETRIAL ORDER NO. 4077

THIS MATTER comes before the Court on the stipulated joint motion of Plaintiff Brad Asher and the Defendants to dismiss the claims of Plaintiff Brad Asher 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 tension ("PPH"), allegedly caused by his 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

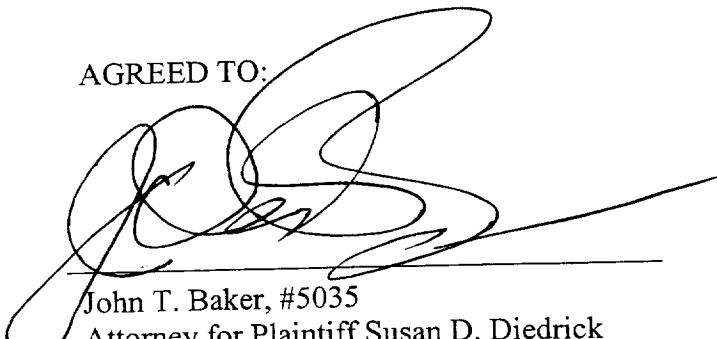
without prejudice as to all named Defendants, with each party to bear its own costs and counsel fees.

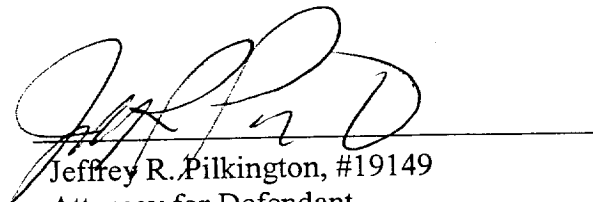
This Stipulation is filed on behalf of Plaintiff and all Defendants who have appeared in the above-captioned matters, those being Wyeth and AHP Subsidiary Holding Corporation.

APPROVED AND SO ORDERED:


HARVEY BARTLE III, J.

AGREED TO:


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