

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

_____	§	
IN RE DIET DRUGS	§	
(PHENTERMINE/FENFLURAMINE/ DEXFENFLURAMINE) PRODUCTS	§	MDL No. 1203
LIABILITY LITIGATION	§	
_____	§	
VURLEE BROWN, ET AL.,	§	
v.	§	Civ. No. 2:04-CV-20765-HB
WYETH, ET AL.	§	
_____	§	

STIPULATION AND PRETRIAL ORDER NO. 4080

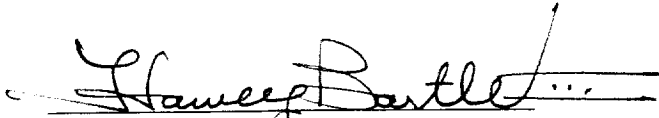
AND NOW, this 26<sup>th</sup> day of October, 2004, it is hereby STIPULATED, ORDERED, ADJUDGED and DECREED, pursuant to Federal Rule of Civil Procedure 41 (a)(1)(ii), that the claims of Plaintiff Sandra Leah Sandel are hereby dismissed without prejudice as to Defendants Wyeth and James Weinblatt, M.D., 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 Plaintiffs shall name no new defendants.

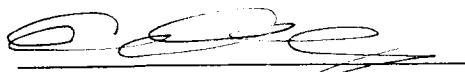
This Stipulation is filed on behalf of Plaintiff Sandra Leah Sandel and all Defendants who have appeared in the above-captioned matter, those being Wyeth and James Weinblatt, M.D.

**APPROVED AND SO ORDERED:**

  
Hon. Harvey Bartle, III

**APPROVED:**

**FLEMING & ASSOCIATES, L.L.P.**

By:   
Adam D. Peavy  
Texas State Bar No. 24029766

G. Sean Jez  
Texas State Bar No. 00796829  
George M. Fleming  
Texas State Bar No. 07123000  
Scott A. Love  
Texas State Bar No. 24002495  
1330 Post Oak Boulevard  
Suite 3030  
Houston, Texas 77056  
713/621-7944 (telephone)  
713/621-9638 (facsimile)

**OF COUNSEL:**

Mike O'Brien  
Texas State Bar No. 15170200  
**MIKE O'BRIEN, P.C.**  
1330 Post Oak Boulevard  
Suite 2960  
Houston, Texas 77056  
(713) 222-0088 (telephone)  
(713) 222-0888 (facsimile)

**Counsel for Plaintiff Sandra Leah Sandel**