

**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

This document related to:

Civil No. 04-20738

Nicholas Swan,

Plaintiff,

vs.

Wyeth, Inc.

Defendants.

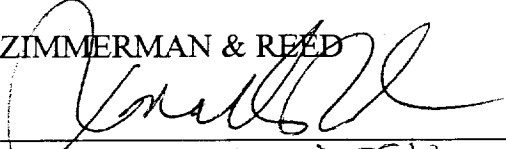
STIPULATION AND PRETRIAL ORDER NO. 4082

AND NOW, this 1st day of November, 2004, it is hereby STIPULATED,
ORDERED, ADJUDGED and DECREED, pursuant to Federal Rule of Civil Procedure
41(a)(1)(ii), that the claims in the above-captioned case are to be dismissed with prejudice
and on the merits, with each part to bear its own costs and counsel fees.

This Stipulation is filed on behalf of Plaintiff and Defendant Wyeth, the only named
defendant in this action.

Dated: 10/14, 2004.

ZIMMERMAN & REED




Ronald Goldser, # 35932
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Minneapolis, MN 55402
(612) 341-0400

Attorney for Plaintiff

Dated: Oct. 13, 2004.

FAEGRE & BENSON, LLP




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(612) 766-7000

Attorneys for Defendant

IT IS SO ORDERED.

BY THE COURT:

Dated: _____, 2004.



Harvey Bartle, III
United States District Judge

M2:20663270.01