

ORIGINAL

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

THIS DOCUMENT RELATES TO: )

LARRY RUSSELL, et al., )  
Plaintiffs, )

v. )

NO. 2:04-cv-20095-HB

WYETH, et al., )  
Defendants. )

PRETRIAL ORDER NO. 4087

**PLAINTIFF LYNDA K. DAVIS' STIPULATION OF DISMISSAL**

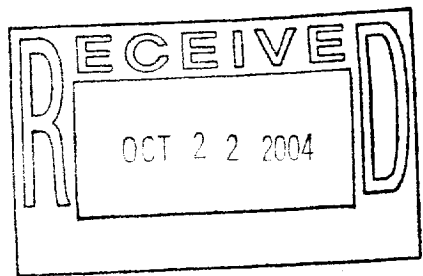
Plaintiff Lynda K. Davis advises the Court that she wishes to dismiss her claims and causes of action as to all Defendants in this case, with prejudice. Pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure, Plaintiff Lynda K. Davis and Defendants stipulate to the dismissal with prejudice of Plaintiff's claims as to all Defendants.

This stipulation relates to the claims brought by Plaintiff Lynda K. Davis only and in no way affects those claims of the remaining Plaintiffs currently before the Court. Notwithstanding the foregoing, this Stipulation shall not affect any right to which Plaintiff Lynda K. Davis may be entitled pursuant to the National Class Action Settlement Agreement with Wyeth. A proposed order is attached for the Court.

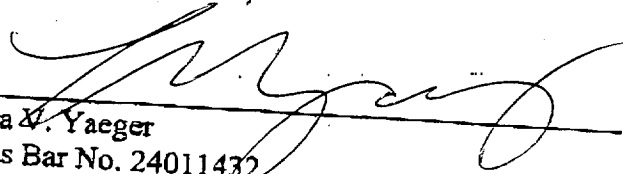
APPROVED:

*James Bartle*

Signed this 1st day of November, 2004



Respectfully submitted,



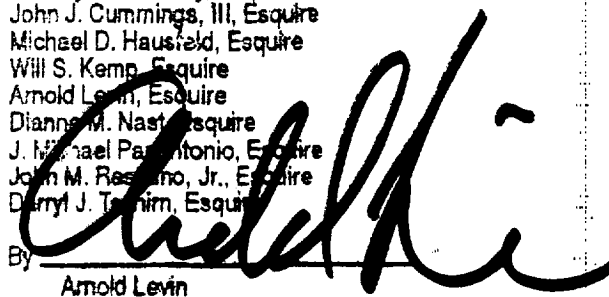
Laura V. Yaeger  
Texas Bar No. 24011432  
**FLEMING & ASSOCIATES, L.L.P.**  
1330 Post Oak Boulevard, Suite 3030  
Houston, Texas 77056  
Telephone (713) 621-7944  
Fax (713) 621-9638

**COUNSEL FOR PLAINTIFF**

**OF COUNSEL:**

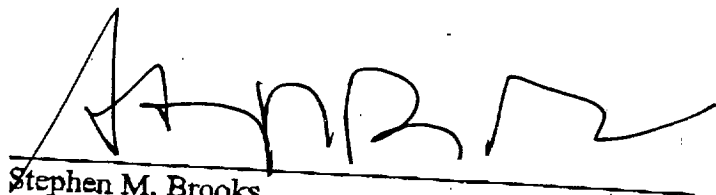
Mike O'Brien  
Texas Bar No. 15170200  
**MIKE O'BRIEN, P.C.**  
1330 Post Oak Blvd., Suite 2960  
Houston, Texas 77056  
Telephone (713) 222-0088  
Fax (713) 222-0888

- Roger P. Brosnahan, Esquire
- Elizabeth J. Cabraser, Esquire
- Stanley M. Chesley, Esquire
- John J. Cummings, III, Esquire
- Michael D. Hausfeld, Esquire
- Will S. Kemp, Esquire
- Arnold Levin, Esquire
- Dianna M. Nast, Esquire
- J. Michael Parantonio, Esquire
- John M. Resano, Jr., Esquire
- Darryl J. Tschirn, Esquire

By   
Arnold Levin  
John J. Cummings, III

PLAINTIFFS' MANAGEMENT COMMITTEE  
BASED UPON INFORMATION PROVIDED  
BY INDIVIDUAL PLAINTIFF(S) COUNSEL

THE PLAINTIFFS'  
MANAGEMENT COMMITTEE  
TAKES NO POSITION ON THE  
MERITS OF THIS FILING



Stephen M. Brooks  
Georgia Bar No. 085151  
Richard B. North, Jr.  
Georgia Bar No. 545599  
**NELSON, MULLINS, RILEY & SCARBOROUGH**  
999 Peachtree Street, North East  
First Union Plaza, Suite 1400  
Atlanta, GA 30309-3964  
Telephone (404) 817-6000  
Fax (404) 817-6050

**ATTORNEYS FOR DEFENDANT WYETH**

**OF COUNSEL:**

Stephen M. Lore

Georgia Bar No. 457845

Taylor T. Daly

Georgia Bar No. 697887

**NELSON, MULLINS, RILEY & SCARBOROUGH**

999 Peachtree Street, North East

First Union Plaza, Suite 1400

Atlanta, GA 30309-3964

Telephone (404) 817-6000

Fax (404) 817-6050