

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

Dec'd
~~FILED~~

OCT - 1 2003

By MICHAEL E. KUNZ, Clerk
Dep. Clerk

IN RE DIET DRUGS
(PHENTERMINE/FENFLURAMINE/
DEXFENFLURAMINE) PRODUCTS
LIABILITY LITIGATION

MDL No. 1203

CIVIL ACTION NO: 03-20055

DIANE BRINGHURST AND DALEEN
PUGMIRE

Plaintiff,

v.

WYETH, INC. f/k/a AMERICAN HOME
PRODUCTS CORPORATION f/k/a A.H.
ROBINS COMPANY, INC.; WYETH
PHARMACEUTICALS f/k/a WYETH-
AYERST LABORATORIES COMPANY;
and DOES 1-20, inclusive,

Defendants.

Transferred From the United States
District Court for the District of Idaho
Case No: 02-438-E-BLW

STIPULATION AND PRETRIAL ORDER NO.

3059


AND NOW, this 8th day of October, 2003, 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 with respect to all of Plaintiff Diane Bringhurst's claims against all named
Defendants, with each party to bear its own costs and counsel fees. This dismissal shall
be without prejudice to Plaintiff Diane Bringhurst's right to assert a claim against Wyeth
in the future based on primary pulmonary hypertension if she meets the definition of
primary pulmonary hypertension in the Nationwide Class Action Settlement Agreement
as a result of a change in medical circumstances. If Plaintiff decides to initiate a future

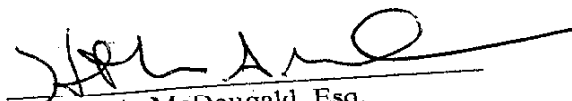
lawsuit against any of the Defendants, she shall do so in a United States District Court and her claim must be presented so that the United States District Court has subject matter jurisdiction under 28 U.S.C. § 1332.

This Stipulation is filed on behalf of Plaintiff Diane Bringhurst and all Defendants in the above-captioned matter. It does not affect the claims of Plaintiff Daleen Pugmire in this action.

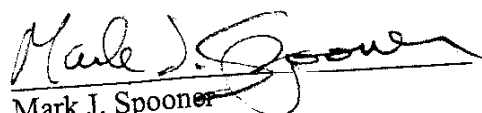
APPROVED AND SO ORDERED:


Harvey Bartle III

Attorney for Plaintiff Diane Bringhurst


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