

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

IN RE DIET DRUGS (PHENTERMINE/ FENFLURAMINE/DEXFENFLURA- MINE) PRODUCTS LIABILITY LITIGATION)	MDL NO. 1203
PAULINE BERRY, ET AL. <p style="text-align: right;">PLAINTIFFS)</p> V. WYETH, ET AL. <p style="text-align: right;">DEFENDANTS)</p>)	CIVIL ACTION NO. <u>03-20243</u>

STIPULATION AND PRETRIAL ORDER NO. 3109

AND NOW, this 11th day of November, 2003, it is hereby stipulated between plaintiffs and defendants that the claims of the following plaintiffs should be dismissed without prejudice as against all defendants: Jackie Barnett, Doris Blake, David Blake, Sharon Buske, Walter Buske, Jackie French, James French, Shirley Jackson, Ruby Elizabeth Langston, William Langston, Frances McCarty, Bobby McCarty, Mary Mosco, Henry Mosco, Sr., Shirley Perry, Arthur Perry, Debbie Pittman, Maurice Pittman and Gloria Tisdell (the "Dismissed Plaintiffs"). Further, it is hereby stipulated that the Dismissed Plaintiffs retain the right to seek whatever benefits to which they believe they may be entitled within the Diet Drug National Class Action Settlement Agreement with American Home Products Corporation (now known as Wyeth).

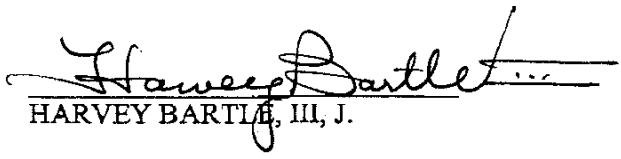
It is further stipulated that by virtue of the entry of this order, the following physician defendants are no longer parties to this action because no other plaintiffs are alleging claims

against them: Pravin Patel, M.D., Arthur Levy, M.D., Robert O'Donnell, M.D., Tony Pagliarulo, M.D., Barry Sullivan, M.D., Mark Shotts, M.D., Don Blackwood, M.D., and Nathaniel Brown, M.D.

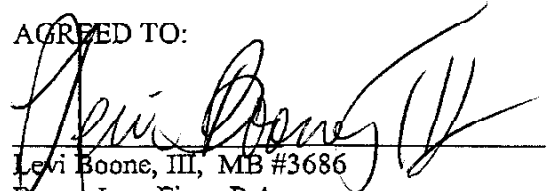
It is further stipulated that by agreeing to the entry of this Order, plaintiffs do not waive any relief sought in their Combined Motion to Vacate Order Transferring Case to Multi-District Litigation and Memorandum in Support Thereof.

This stipulation complies with Federal Rule of Civil Procedure 41(a). All parties in this action who have entered an appearance have executed this stipulation through the undersigned counsel of record.


APPROVED AND SO ORDERED


HARVEY BARTLETT, III, J.

AGREED TO:


Levi Boone, III, MB #3686
Boone Law Firm, P.A.
Post Office Box 1772
Cleveland, MS 38732
(662)843-7946

COUNSEL FOR PLAINTIFFS


WILLIAM M. GAGE, MB #8691
Butler Snow Omara Stevens & Cannada
17th Floor, AmSouth Plaza
Post Office Box 22567
Jackson, Mississippi 39225-2567
(601) 948-5711

ATTORNEY FOR WYETH

Michael V. Cory, MB #9868 *Brad Vance MB#100317*
Reynolds Cory & Rikard
401 East Capitol Street, Suite 412
Post Office Box 629
Jackson, MS 39205-0629

ATTORNEYS FOR INDEVUS PHARMACEUTICALS,
INC. f/k/a INTERNEURON PHARMACEUTICALS, INC.

J. Robert Ramsay, MB #4617
Amanda Clearman Waddell, MB #99544
Bryant, Clark, Dukes, Blakeslee,
Ramsay & Hammond, P.L.L.C.
106 Madison Plaza
Post Office Box 16567
Hattiesburg, Mississippi 39404-6567

ATTORNEYS FOR LLOYD G. HOPKINS, M.D.,
ROBERT F. COOPER, III, M.D., FRED WILSON, M.D.,
S. D. AUSTIN, M.D. AND RICHARD H. CORSON, M.D.

Tommie Williams, MB #7262
J. L. Wilson, IV, MB # 10782
Upshaw, Williams, Biggers, Beckham & Riddick, LLP
309 Fulton Street
Post Office Drawer 8230
Greenwood, MS 38935-8230

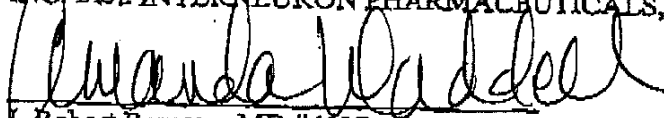
ATTORNEYS FOR V. ARTHUR MILLER, M.D.

Shelby Kirk Milam
Hickman, Goza, & Spragins
1305 Madison Ave
P.O. Box 668
Oxford, MS 38655

ATTORNEY FOR SUBBU RAYUDU, M.D.

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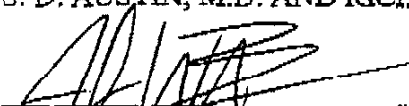
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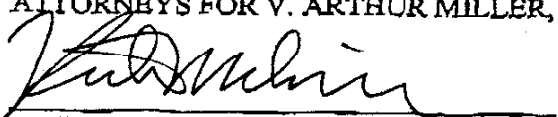
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