

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 2003
DEC 21 2003

JUAN HERNANDEZ

Civ. No. 03-20197

v.

AMERICAN HOME PRODUCTS CORP.,
et al.

STIPULATION AND PRETRIAL ORDER NO. 3111

AND NOW, this 11th day of November, 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 prejudice as to all named Defendants, with each party to bear its own costs and counsel fees.

This Stipulation is filed on behalf of Plaintiff and Defendants Wyeth¹ and AHP Subsidiary Holding Corporation², who have answered.

This Stipulation does not affect any rights that Plaintiff may have under the Nationwide Class Action Settlement Agreement for diet drugs. Notwithstanding the

¹ On March 11, 2002, the name of American Home Products Corporation ("AHPC") changed to Wyeth. On August 3, 1998, A.H. Robins Company, Inc. ("Robins") was merged into AHPC and ceased to exist as a separate entity. As a result, Wyeth will respond to allegations directed at AHPC and Robins.

² On June 30, 2001, Wyeth-Ayerst Laboratories Company (WALCo) was merged into AHP Subsidiary Holding Corporation and ceased to exist as a separate entity. As a result, AHP Subsidiary Holding Corporation will respond to allegations directed to WALCo.

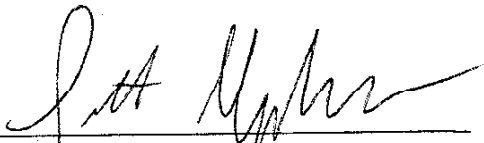
foregoing, Plaintiff knowingly waives all opt-out rights of any kind provided by the Settlement Agreement, available to him in the past, at present, or at any time in the future.

Respectfully Submitted,

By: 

David P. Mathews
Texas Bar No. 13206200
Jason Webster
Texas Bar No. 24033318
Julie R. Rhoades
Texas Bar No. 16811710
ABRAHAM, WATKINS, NICHOLS, SORRELS,
MATHEWS & FRIEND
800 Commerce Street
Houston, Texas 77002
(713) 222-7211
(713) 225-0827 (fax)

ATTORNEYS FOR PLAINTIFF

By: 

Paul E. Stallings
Texas Bar No. 19019000
Robert M. Schick
Texas Bar No. 17745715
Louis E. McCarter
Texas Bar No. 13367000
Scott Upchurch
Texas Bar No. 24028177
VINSON & ELKINS L.L.P.
1001 Fannin Street


2300 First City Tower
Houston, Texas 77002-6760
Telephone: (713) 758-2354
Facsimile: (713) 615-5200

OF COUNSEL:

ARNOLD & PORTER
Patricia A. Dean
Steven G. Reade
555 Twelfth Street, N.W. (Room
769)
Washington, D.C. 20004-1206
Telephone: (202) 942-5480
Facsimile: (202) 942-5999

**ATTORNEYS FOR DEFENDANT WYETH & AHP SUBSIDIARY HOLDING
CORPORATION**

APPROVED AND ORDERED:


Hon. Harvey Bartle, III