

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  
)  
)  
)

ANNETTE KERR, ET AL. v.  
AMERICAN HOME PRODUCTS  
CORPORATION, WYETH-AYERST  
LABORATORIES, ET AL.  
\_\_\_\_\_

)  
) Civ. No. CA-03-20014  
)  
)  
)

**STIPULATION AND PRETRIAL ORDER NO. 3130**

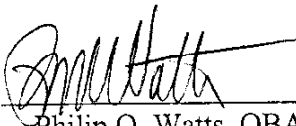
AND NOW, this 18<sup>th</sup> day of November, 2003, it is hereby STIPULATED, ORDERED, ADJUDGED and DECREED, pursuant to Federal Rules of Civil Procedure 41(a)(1)(ii), that plaintiff Bonnie Malone hereby dismisses with prejudice as to the defendants Wyeth,<sup>1</sup> Ed R. Stewart, D.O., Mona Motz, M.D., and Pamela Hiti, D.O., with each party to bear its own costs and counsel fees. This dismissal is without prejudice to any rights plaintiff Bonnie Malone may accrue under the Nationwide Class Action Settlement, or any amendment thereto.

This Stipulation is filed on behalf of plaintiff Bonnie Malone and defendants Wyeth, Ed R. Stewart, D.O., and Mona Motz, M.D., who have appeared in the above-captioned matter.<sup>2</sup>

<sup>1</sup> On March 11, 2002, American Home Products Corporation changed its name to Wyeth. Wyeth-Ayerst Laboratories is a division of Wyeth.

<sup>2</sup> Defendant Pamela Hiti, D.O., has not appeared in this action. Defendants Lee Rittenhouse, M.D. and Lee Frye, M.D. were previously dismissed with prejudice.

**WATTS & WATTS**

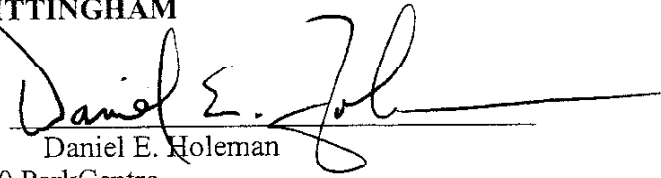
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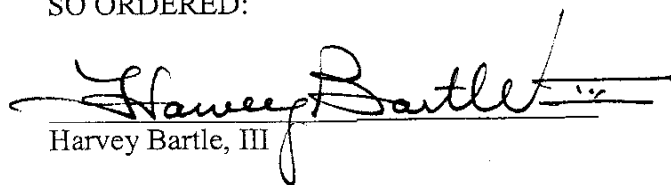
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APPROVED AND  
SO ORDERED:



Harvey Bartle, III

DATED: \_\_\_\_\_