

LF

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

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

U.S. DISTRICT COURT
NOV - 8 1999

This document relates to:

MDL Docket No. 1203

LINDA HORNE,

Plaintiff

Civil Action No. 98-20497

vs.

AMERICAN HOME PRODUCTS CORP.,
WYETH-AYERST LABORATORIES
COMPANY, A DIVISION OF AMERICAN
HOME PRODUCTS CORP., SMITHKLINE
BEECHAM CORP., ABANA
PHARMACUETICALS, INC., A.H. ROBINS
COMPANY, INC., R.C. HOLTZCLAW, M.D.
EON LABS MANUFACTURING, INC.,
ZENITH GOLDLINE PHARMACEUTICALS,
INC. and CAMALL COMPANY

Defendants


STIPULATION AND PRETRIAL ORDER NO.: 1033

AND NOW, this 3rd day of JAN, 2000, 1999, it is hereby STIPULATED,

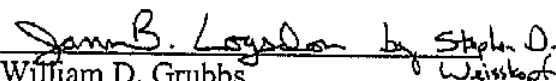
ORDERED, ADJUDGED and DECREED pursuant to Federal Rule of Civil Procedure Rule 41(a)(1)(ii), that the claims in the Complaint in the above-captioned matter are hereby dismissed with prejudice as to all named defendants with each party to bear its own costs and counsel fees.

Further, the Plaintiff agrees that should she decide to institute a case in the future for personal injuries relating to diet drug litigation, plaintiff shall file said case in federal court.

This Stipulation is filed on behalf of all defendants who have appeared in the above captioned matter, those being American Home Products Corp., Wyeth-Ayerst Laboratories division of American Home Products Corp., A.H. Robins Company, Inc., SmithKline Beecham Corp., Abana Pharmaceuticals, Inc., Camall Company, Inc., Zenith Goldline Pharmaceuticals, Inc., Eon Labs Manufacturing, Inc. and R.C. Holtzclaw, M.D., against whom the claims in the complaint shall be dismissed in their entirety by the Court's approval of this Stipulation.



David E. Waite
Law Offices of Ralph Brown & Associates
Suite 304, Executive Tower II
Knoxville, TN
Counsel for Plaintiff



William D. Grubbs
Jann B. Logsdon
David T. Schaefer
Kristin M. Lomond
WOODWARD, HOBSON & FULTON
2500 National City Tower
Louisville, KY 40202-3175

Michael C. Augustini
ARNOLD & PORTER
Thurman Arnold Building
555 Twelfth Street, N.W.
Washington, DC 20004-1202

Craig A. Stewart
ARNOLD & PORTER
399 Park Avenue
New York, NY 10022-4690
**Counsel for American Home Product Corp.,
Wyeth-Ayerst Laboratories Division of American Home Products Corp.,
and A.H. Robins Company, Inc.**

1 Complaint, as all class allegations have been dismissed with prejudice under Pretrial Order 450.

2 Further, the Plaintiff agrees that should she decide to institute a case in the future for personal
3 injuries relating to diet drug litigation, plaintiff shall file said case in federal court, in the event
4 federal court jurisdiction can be properly pleaded.

5 Plaintiff certifies that she has complied with Pretrial Order No. 22 by producing completed
6 Fact Sheet, list of Medical Providers and properly executed Authorization forms.

7 This Stipulation is filed on behalf of all defendants who have appeared in the above captioned
8 matter, that being A.H. Robins Company, American Home Products Corporation and Wyeth-Ayerst
9 Laboratories Company, and against whom the claims in the Complaint shall be dismissed in their
10 entirety by the Court's approval of this Stipulation.

11 Roger P. Brosnahan, Esquire
12 Elizabeth J. Cabraser, Esquire
13 Stanley M. Chesley, Esquire
14 John J. Cummings, III, Esquire
15 Michael D. Hausfeld, Esquire
16 Will S. Kemp, Esquire
17 Arnold Levin, Esquire
18 Dianne M. Nast, Esquire
19 J. Michael Papantonio, Esquire
20 John M. Restaino, Jr., Esquire
21 Darryl J. Tschirn, Esquire

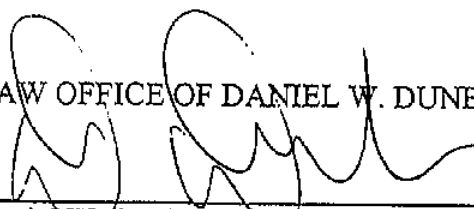
22 By 

23 Arnold Levin
24 John J. Cummings, III


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

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

LAW OFFICE OF DANIEL W. DUNBAR


Daniel W. Dunbar, Esq.
Attorneys for Plaintiff
Janet Johnson

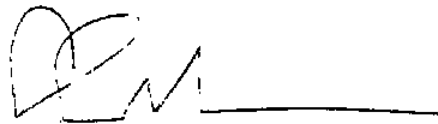
CROSBY, HEAFEY, ROACH & MAY


David E. Stanley, Esq.
Attorneys for Defendants,
American Home Products Corporation,
Wyeth-Ayerst Laboratories Company,
and A.H. Robins Company, Inc

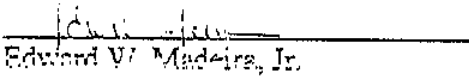
APPROVED AND SO ORDERED:


Louis C. Bechtle, Chief Judge Emeritus

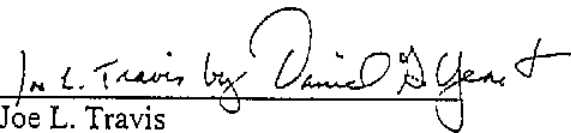
JAN - 3 2000



Elias Majoros
GOLD, LANGE & MAJOROS
24901 Northwestern Highway
Suite 511
Southfield, MI
Counsel for Camall Company, Inc.



PEPPER HAMILTON LLP
3000 Two Logan Square
18th & Arch Streets
Philadelphia, PA 19103
Liaison Counsel For Phentermine Defendants:
SmithKline Beecham Corp.,
Abana Pharmaceuticals, Inc.,
Zenith Goldline Pharmaceuticals, Inc. and
Eon Labs Manufacturing, Inc.,

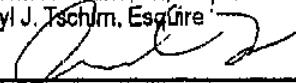


Joe L. Travis
Travis, Fruitt & Lawless
207 E. Mt. Vernon Street
P. O. Drawer 30
Somerset, KY 42502
Counsel for R.C. Holtzclaw, M.D.



Representative, Plaintiffs Management Committee

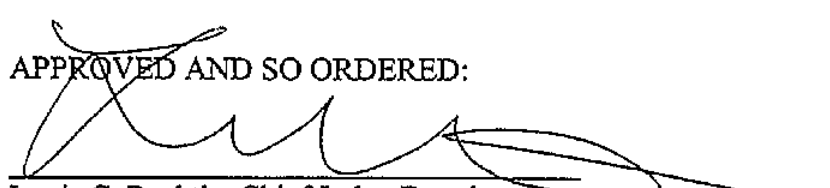
Roger P. Brosnahan, Esquire
Elizabeth J. Cabraser, Esquire
Stanley M. Chesley, Esquire
John J. Cummings, III, Esquire
Michael D. Hausfeld, Esquire
Will S. Kemp, Esquire
Arnold Levin, Esquire
Dianne M. Nast, Esquire
J. Michael Papantonio, Esquire
John M. Restaino, Jr., Esquire
Darryl J. Tschim, Esquire

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.

APPROVED AND SO ORDERED:


Louis C. Bechtel, Chief Judge Emeritus