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

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

NOV 8 1999

This document relates to:

JOSEPH DI BENEDETTO and SALLY
FORSTADT,

MDL Docket No. 1203
CA No. 98-20255

Plaintiffs,

against

WYETH-AYERST LABORATORIES COMPANY;
DIVISION OF AMERICAN HOME
PRODUCTS CORPORATION; INTERNUERON
PHARMACEUTICALS, INC.; GATE
PHARMACEUTICALS, A DIVISION OF TEVA
PHARMACEUTICALS, USA, INC.;
SMITHKLINE BEECHAM CORPORATION;
ABANA PHARMACEUTICALS, INC.;
RICHWOOD PHARMACEUTICALS COMPANY;
INC., ION LABORATORIES, INC.; MEDEVA
PHARMACEUTICALS, INC.; A.H. ROBINS
COMPANY, INC.,

Transferred from:
United States District Court
Eastern District of New York
CV 97-5405

Defendants.

STIPULATION AND PRETRIAL ORDER No: 1036

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 without prejudice as to all named defendants with each party to bear its
own costs and counsel fees, and without the need for plaintiff¹ to provide class notice to the

¹ This Stipulation pertains solely to plaintiff Sally Forstadt as plaintiff Joseph DiBenedetto was dismissed from
this action by Pretrial Order No. 251.

putative class alleged in the Complaint, as all class allegations have been dismissed with prejudice under Pretrial Order No. 450.

Further, 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.

Defendants certify that plaintiff has complied with Pretrial Order No. 22 by producing a fact sheet, medical authorizations and list of medical providers to defendants.

This Stipulation is filed on behalf of all defendants who are named as defendants or have appeared in the above captioned matter, those being Wyeth-Ayerst Laboratories, Division of American Home Products Corporation, incorrectly sued herein as Wyeth-Ayerst Laboratories Company Division of American Home Products Corporation,² Internueron Pharmaceuticals, Inc.,³ Gate Pharmaceuticals, a division of Teva Pharmaceuticals, USA, Inc.,⁴ SmithKline Beecham Corporation,⁵ Abana Pharmaceuticals, Inc.,⁶ Richwood Pharmaceuticals Company, Inc.,⁷ Ion Laboratories, Inc.,⁸ Medeva Pharmaceuticals, Inc.,⁹ A.H. Robins Company, Inc.,¹⁰ against whom the

² Wyeth-Ayerst Laboratories Company has not been served with a summons and complaint and has not appeared in this action.

³ Interneuron Pharmaceuticals, Inc. has answered the Complaint.

⁴ Gate Pharmaceuticals, a division of Teva Pharmaceuticals, USA, Inc. has not appeared in this action.

⁵ SmithKline Beecham Corporation has not been served with a summons and complaint and has not appeared in this action.

⁶ Abana Pharmaceuticals, Inc. has appeared in this action.

⁷ Pursuant to Pretrial Order No. 292, Richwood Pharmaceuticals, Inc. was dismissed from this action.

⁸ Ion Laboratories, Inc. has not appeared in this action.

⁹ Medeva Pharmaceuticals, Inc. has not appeared in this action.

¹⁰ On August 3, 1998, A.H. Robins Company, Inc. was merged into American Home Products Corporation and ceased to exist as a separate entity. A.H. Robins Company, Inc. has not been served with a summons and complaint and has not appeared in this action. American Home Products Corporation has not been served with a summons and complaint and has not appeared in this action.

claims in the Complaint shall be dismissed in their entirety by the Court's approval of this Stipulation. The stay relating to proceedings against Interneuron Pharmaceuticals, Inc. does not apply to stipulations of dismissal pursuant to paragraph 5 of Pretrial Order No. 270.

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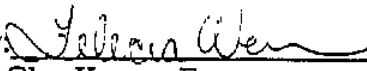
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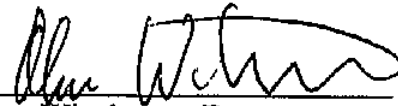
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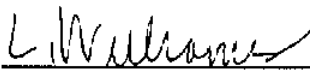
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PLAINTIFFS' MANAGEMENT COMMITTEE
BASED UPON INFORMATION PROVIDED
BY INDIVIDUAL PLAINTIFF(S) COUNSEL

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

APPROVED AND SO ORDERED:

Louis C. Bechtle
Louis C. Bechtle, Chief Judge Emeritus

JAN - 3 2000

FILED
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