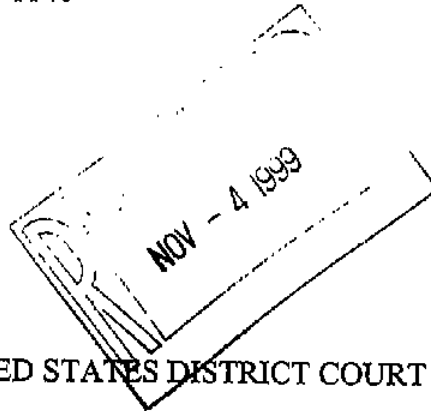


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5 Attorneys for Plaintiff



6
7
8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF PENNSYLVANIA

10
11 IN RE DIET DRUGS (Phentermine/
12 Fencluramine/Dexfenfluramine)
PRODUCTS LIABILITY LITIGATION

) MDL DOCKET NO. 1203

13 JANET JOHNSON,

14 Plaintiff,

) MDL Case No.: 98-20400

15 vs.

) [USDC, Central District of California, Case
No. CV 98-1249)

16 A.H. ROBINS COMPANY, INC. WYETH-
17 AYERST LABORATORIES COMPANY,
18 AMERICAN HOME PRODUCTS
CORPORATION, GATE
19 PHARMACEUTICALS, SMITHKLINE
BEECHAM CORPORATION, ET AL.,

20 Defendants.

21
22 STIPULATION AND PRETRIAL ORDER NO. 1038

23
24 AND NOW, this 3rd day of JAN, 2000, 1999, it is hereby STIPULATED,

25 ORDERED, ADJUDGED and DECREED pursuant to Federal Rule of Civil Procedure, Rule
26 41(a)(1)(ii), that the claims in the Complaint in the above-captioned matter are hereby dismissed
27 without prejudice as to all named defendants with each party to bear its own costs and counsel fees,
28 and without the need for plaintiff to provide class notice to the putative class alleged in the


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. Technin, Esquire

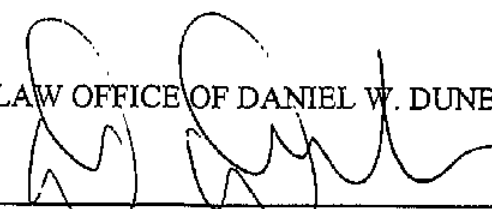
By 
Arnold Levin
John J. Cummings, III

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.

22 APPROVED AND SO ORDERED:

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


Louis C. Bechtel, Chief Judge Emeritus

JAN - 3 2000