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7 Attorneys for Plaintiff

NOV - 4 1999

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

10

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

MDL DOCKET NO. 1203

14 MARILYN AXELROD,

15 Plaintiff,

MDL Case No.: 98-20588

16 vs.

[USDC, Central District of California, Case
No. CV-98-4927)

17 A.H. ROBINS COMPANY, WYETH-AYERST
18 LABORATORIES COMPANY; AMERICAN
19 HOME PRODUCTS CORPORATION; GATE
20 PHARMACEUTICALS, a Division of Teva
21 Pharmaceuticals, USA, Inc.; SMITHKLINE
22 BEECHAM CORPORATION; ABANA
23 PHARMACEUTICALS, INC.; RICHWOOD
24 PHARMACEUTICAL COMPANY, INC.; ION
LABORATORIES, INC.; MEDEVA
PHARMACEUTICALS, INC.; ZENITH
GOLDLINE PHARMACEUTICALS, INC.,
CAMALL COMPANY, INTERNEURON
PHARMACEUTICAL, INC., ET AL.,

Defendants.

25 STIPULATION AND PRETRIAL ORDER NO. 1039

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

27 ORDERED, ADJUDGED and DECREED pursuant to Federal Rule of Civil Procedure, Rule
28 41(a)(1)(ii), that the claims in the Complaint in the above-captioned matter are hereby dismissed

1 without prejudice as to all named defendants with each party to bear its own costs and counsel fees,
2 and without the need for plaintiff to provide class notice to the putative class alleged in the
3 Complaint, as all class allegations have been dismissed with prejudice under Pretrial Order 450.

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

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

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

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

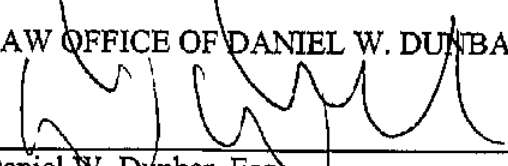
25 By 
26 Arnold Levin
27 John J. Cummings, III

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

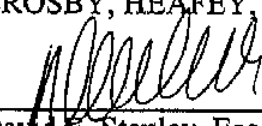
THE PLAINTIFFS'
MANAGEMENT COMMITTEE
TAKES NO POSITION ON THE
MERITS OF THIS FILING.

APPROVED AND SO ORDERED:

LAW OFFICE OF DANIEL W. DUNBAR


Daniel W. Dunbar, Esq.
Attorneys for Plaintiff
Marilyn Axelrod

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

PRINDLE, DECKER & AMARO


R. Joseph Decker, Esq.
Attorneys for Gate Pharmaceuticals


Louis C. Bechtle, Chief Judge Emeritus

3 2000

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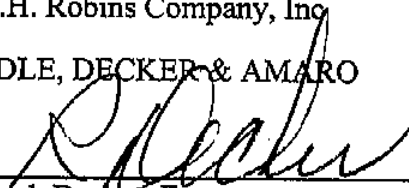
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14 LAW OFFICE OF DANIEL W. DUNBAR

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Marilyn Axelrod

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

23 PRINDLE, DECKER & AMARO

24
25 
R. Joseph Decker, Esq.
Attorneys for Gate Pharmaceuticals

26 APPROVED AND SO ORDERED:

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28 
Louis C. Bechtle, Chief Judge Emeritus

JAN - 3 2000