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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

FILED
OCT 28 1999

This document relates to:

MDL Docket No. 1203

BRENDA K. AYERS, DOROTHY LAKES
PATRICIA RAWERT, DIXIE THOMPSON
AND ROBERT MCPEEK

Plaintiffs

Civil Action No. 98-20661

vs.

AMERICAN HOME PRODUCTS, A. H. ROBINS
COMPANY, INC. WYETH-AYERST
LABORATORIES DIVISION OF AMERICAN
HOME PRODUCTS, ABANA
PHARMACEUTICALS INC., CAMALL
COMPANY, INC., EON LABORATORY
MANUFACTURERS, INC., GATE
PHARMACEUTICALS A DIVISION OF TEVA
PHARMACEUTICALS, USA, GOLDLINE
LABORATORIES, INC., INTERNEURON
PHARMACEUTICALS, INC., ION
LABORATORIES, INC., MEDEVA
PHARMACEUTICALS, INC., SMITHKLINE
BEECHAM CORPORATION; BOEHRINGER
INGELHEIM PHARMACEUTICALS, INC.;
KING PHARMACEUTICALS, INC.; MAJOR
PHARMACEUTICALS; HARVARD DRUG
GROUP, INC. D/B/A MAJOR
PHARMACEUTICALS; FISONS CORP.;
ZENITH GOLDLINE PHARMACEUTICALS,
INC.; RUGBY LABORATORIES, INC.; GENEVA
PHARMACEUTICALS, INC.; ROSEMONT
PHARMACEUTICAL CORP.; DURAMED
PHARMACEUTICALS; QUALITEST
PHARMACEUTICALS AND UNITED
RESEARCH PHARMACEUTICALS

Defendants.

PTO # 1042

STIPULATION AND PRETRIAL ORDER No:

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 of the Plaintiff, Robert McPeek, 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.


The above-listed Plaintiff hereby certifies that he has complied with PTO 22 by producing to defendants a fact sheet, medical authorization and list of medical providers.

Further, the above-listed Plaintiff agrees that should he decide to institute a case in the future for personal injuries relating to diet drug litigation, Plaintiff shall file such case in federal court.

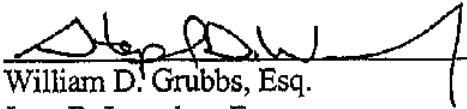
This Stipulation is filed on behalf of the above-named Plaintiff and all remaining Defendants who have appeared in the above captioned matter,¹ those being American Home Products Corporation, Wyeth-Ayerst Laboratories Division of American Home Products Corporation, A.H. Robins Company, Inc., Interneuron Pharmaceuticals, Inc., Medeva Pharmaceuticals, Inc., Camall Company, Inc., Goldline Laboratories, Inc., Eon Laboratory Manufacturers, Inc., Boehringer Ingelheim Pharmaceuticals, Inc. and Fisons Corporation, against whom the claims in the Complaint shall be dismissed in their entirety

¹ Qualitest Pharmaceuticals and United Research Pharmaceuticals were dismissed pursuant to PTO 414. The following defendants were dismissed as to Robert McPeek pursuant to PTO 875: Duramed Pharmaceuticals, Inc., Geneva Pharmaceuticals, Inc., Ion Laboratories, Inc., Jones Pharma Incorporated (F.K.A. Jones Medical Industries, Inc. as Successor to Abana Pharmaceuticals, Inc.), King Pharmaceuticals, Inc., Major Pharmaceuticals and Harvard Drug Group, LLC, D/B/A Major Pharmaceuticals, Rosemont Pharmaceutical Corporation, Rugby Laboratories, Inc., SmithKline Beecham Corporation (A.K.A. SmithKline Beecham Clinical Laboratories, Inc., SmithKline Beecham Consumer Brands, L.P.), Gate Pharmaceuticals, Division of Teva Pharmaceuticals, U.S.A., Inc. Formerly Known as Lemmon Company, and Zenith Goldline Pharmaceuticals, Inc.

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 270.



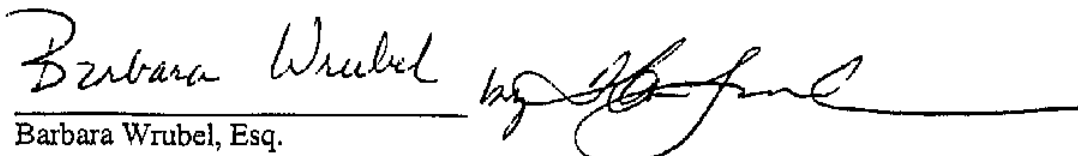
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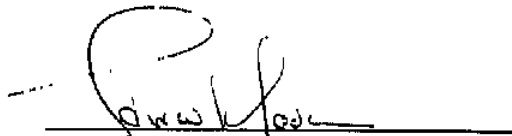
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Eon Laboratory Manufacturers, Inc. and Fisons Corporation**

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

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John M. Restaino, Jr., Esquire
Darryl J. Tschim, Esquire

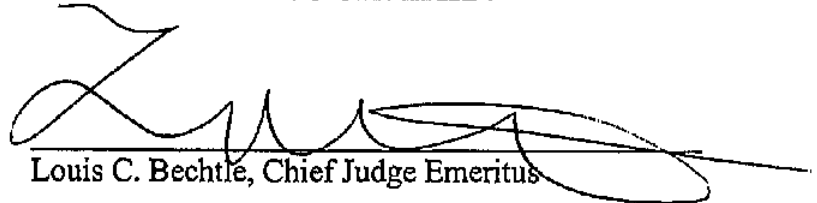
By 

Arnold Levin
John J. Cummings, III

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

Representative of Plaintiffs' Management Committee

APPROVED AND SO ORDERED:


Louis C. Bechtel, Chief Judge Emeritus

JAN - 3 2000