

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

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

MDL Docket No. 1203

This document relates to:

DEBORAH ERVIN

Plaintiff,

vs.

AMERICAN HOME PRODUCTS,  
CORPORATION, et al.

Defendants.

NOV 22 1999  
Civil Action No. 98-CV-20163

STIPULATION AND PRETRIAL ORDER NO. 1047

AND NOW THIS 3<sup>rd</sup> day of JAN 2000 ~~October, 1999~~, it is hereby STIPULATED, ORDERED,


ADJUDGED, and DECREED pursuant to Federal Rule of Civil Procedure Rule 41(a)(1)(ii), that the claims of Deborah Ervin as alleged in the Complaint against all named Defendants in the above-captioned matter are hereby dismissed without prejudice as to these defendants with each party to bear its own costs and counsel fees.

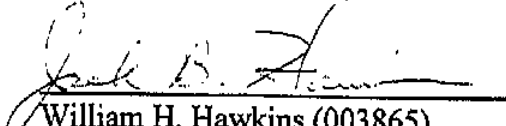
Plaintiff has complied with PTO 22 by producing a Fact Sheet, Medical Authorizations and a list of Medical Providers to Defendants.

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 the following Defendants who have appeared in the above-captioned matter, those being American Home Products Corporation, A.H. Robins Company,

Inc. <sup>1</sup>, Wyeth Laboratories, Inc. <sup>2</sup> and Interneuron Pharmaceuticals, Inc., against whom the claims in the Complaint shall be dismissed in their entirety by the Court's approval of this Stipulation.

  
William Haval (0006730)  
Peter J. Brodhead (0006733)  
Spangenberg, Shibley & Liber, LLP  
2400 National City Center  
Cleveland, Ohio 44114

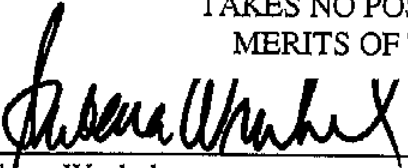
  
William H. Hawkins (003865)  
Jack B. Harrison (0061993)  
FROST & JACOBS LLP  
2500 PNC Center  
201 East Fifth Street  
Cincinnati, Ohio 45202

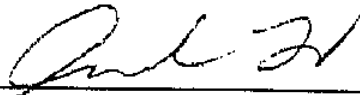
Counsel for Plaintiff  
Deborah Ervin  
321 Falls Avenue  
Youngstown, Ohio 44502

Craig N. Hentschel  
Arnold & Porter  
555 Twelfth Street, N.W.  
Washington, D.C. 20004

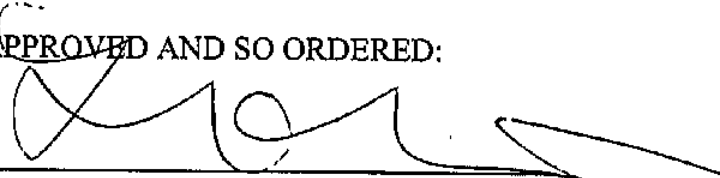
THE PLAINTIFFS'  
MANAGEMENT COMMITTEE  
TAKES NO POSITION ON THE  
MERITS OF THIS FILING.

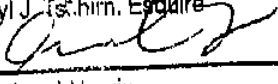
Counsel for Defendants  
American Home Products Corp.,  
A.H. Robins Company, Inc.  
And Wyeth Laboratories, Inc.

  
Barbara Wrubel  
Skadden Arps Slate Meagher & Flom LLP  
919 Third Avenue  
New York, New York 10022

  
Arnold Levin  
Levin, Fishbein, Sedran & Berman  
510 Walnut Street, Suite 500  
Philadelphia, Pennsylvania 19106  
Co-chair of PMC

**Counsel for Interneuron Pharmaceuticals, Inc.**  
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. Tschirn, Esquire

APPROVED AND SO ORDERED:  
  
Louis C. Bechtel, Chief Judge Emeritus

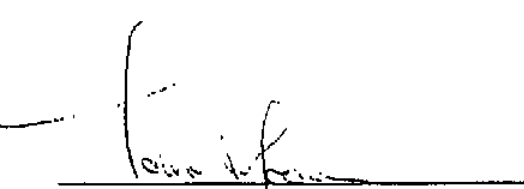
By   
Arnold Levin  
John J. Cummings, III  
695989.d1  
PLAINTIFFS' MANAGEMENT COMMITTEE  
BASED UPON INFORMATION PROVIDED  
BY INDIVIDUALS


<sup>1</sup> On August 3, 1998, A.H. Robins Company, Inc. merged into American Home Products Corporation, and no longer exists as a separate entity. As a result, American Home Products Corporation will respond to allegations directed at A.H. Robins Company, Inc.  
<sup>2</sup> On January 1, 1999, Wyeth Laboratories, Inc. ("WLI") was merged into Ayerst Laboratories, Inc. The surviving company was Ayerst Laboratories, Inc., the name of which was changed to Wyeth-Ayerst Pharmaceuticals, Inc. ("WAPI"). As a result, WAPI will respond to allegations directed to WLI.

Craig A. Stewart, Esq.  
ARNOLD & PORTER  
Park Avenue  
New York, NY 10022-4690

and

Michael C. Augustini, Esq.  
ARNOLD & PORTER  
555 Twelfth Street, N.W.  
Washington, DC 20004-1202  
**Counsel for American Home Products Corporation,  
Wyeth-Ayerst Laboratories Division of American  
Home Products Corporation and A.H. Robins Company, Inc.**

  
Edward W. Madeira, Jr., Esq.  
PEPPER HAMILTON LLP  
3000 Two Logan Square  
18<sup>th</sup> & Arch Streets  
Philadelphia, PA 19103  
**Liaison Counsel For Phentermine Defendants:  
SmithKline Beecham Corporation,  
Medeva Pharmaceuticals, Inc. and  
Fisons Corporation**

  
James R. Kahn, Esq.  
Michael Vadner, Esq.  
MARGOLIS EDELSTEIN  
The Curtis Center, Fourth Floor  
Independence Square West  
Philadelphia, PA 19106-3304

*by Stephen D. Weisskopf  
(approval granted over telephone  
by Mr. Kahn)*

and