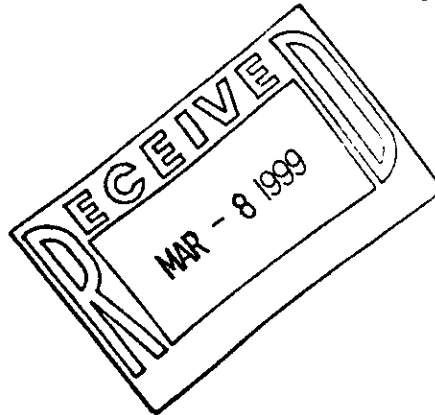


FILED MAR 17 1999

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9 Attorneys for Defendant
10 SMITHKLINE BEECHAM CORPORATION

11 UNITED STATES DISTRICT COURT
12 FOR THE EASTERN DISTRICT OF PENNSYLVANIA

13 IN RE DIET DRUG (Phentermine/
14 Fenfluramine/Dexfenfluramine
15 PRODUCTS LIABILITY LITIGATION

MDL No. 1203

PTC# 510

16 GAIL McCARTNEY,

MDL Civil Action No. 98-20500

17 Plaintiff(s),

(Transferred from United States District
Court, Central District of California, Case
No. 98-2877)

18 vs.

19 GATE PHARMACEUTICALS, et al,

STIPULATION OF DISMISSAL AND
PROPOSED PRETRIAL ORDER

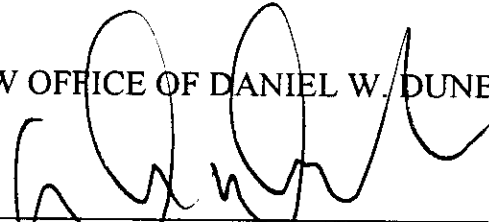
20 Defendant(s).

21 **STIPULATION OF DISMISSAL AND PROPOSED PRETRIAL ORDER**

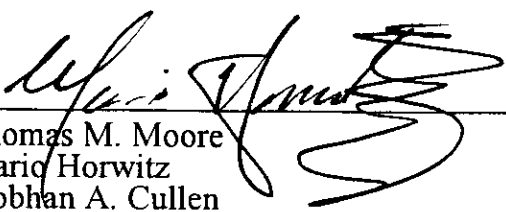
22 Pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure, it is hereby
23 stipulated between all parties hereto, by and through their undersigned attorneys, that
24 plaintiff's complaint is dismissed with prejudice as to defendant SMITHKLINE
25 BEECHAM CORPORATION ("SB") only. This dismissal is based on plaintiff's current
26 inability to establish that she ingested SB's phentermine product. Each party is to bear its
27 own fees and costs.
28

1 All parties to this action that have entered an appearance and that remain in this
2 action have executed this dismissal through the undersigned counsel of record. This
3 stipulation does not affect the status of any other party.


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5 Dated: March 4, 1999

LAW OFFICE OF DANIEL W. DUNBAR
By: 
Daniel W. Dunbar
Attorneys for plaintiff, Gail McCartney

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7
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10
11 Dated: March 4, 1999

HAIGHT, BROWN & BONESTEEL, L.L.P.
By: 
Thomas M. Moore
Mario Horwitz
Siobhan A. Cullen
Attorneys for defendant, SmithKline
Beecham Corporation

12
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18 Dated: March 5, 1999

SEYFARTH, SHAW, FAIRWEATHER
& GERALDSON
By: 
Robert M. Mitchell
Lawrence E. Butler
Attorneys for defendant(s), Rosemont
Pharmaceutical Corporation

PROPOSED PRETRIAL ORDER

1
2
3 AND NOW, TO WIT, this 17th day of MARCH based on the
4 foregoing stipulation of the parties hereto, it is hereby ordered that SMITHKLINE
5 BEECHAM CORPORATION is dismissed from this action in its entirety with prejudice.
6 Each side is to bear its own costs and fees.

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11 JUDGE LOUIS C. BECHTLE
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21 ENTERED: 3-18-99
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23 CLERK OF COURT
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