

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:

SHEILA BROWN, et al.

v.

AMERICAN HOME PRODUCTS
CORPORATION

NO. 99-20593

THIS DOCUMENT RELATES TO:

Claimant: Eileen Demny
Claim No.: 183/00 2078657

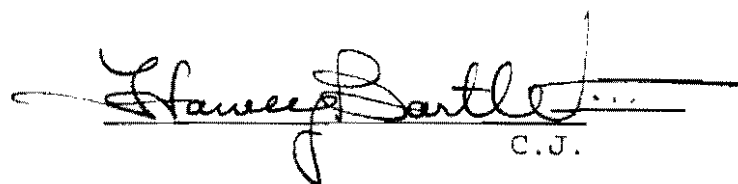
PRETRIAL ORDER NO. 8550

AND NOW, this 23rd day of October, 2010, it is hereby ORDERED that the appeal of the Estate of Eileen Demny from the February 2, 2010 Report and Award of the Arbitrator related to her claim for Matrix Benefits under the Nationwide Class Action Settlement Agreement is DENIED.

Before the court is the appeal of the Estate of claimant Eileen Demny ("Demny") from the Report and Award of the Arbitrator denying Demny's claims for Matrix A benefits. On November 4, 2004, Dr. Kyle Cooper submitted a Green Form on Demny's behalf which asserted that Demny suffered from a

reduction factor, mitral valve prolapse. As a result, Demny received reduced compensation in the form of Matrix B benefits pursuant to the Nationwide Class Action Settlement Agreement. In her appeal, Demny asserts that Dr. Cooper incorrectly answered several questions on her Green Form. However, even after an opportunity to amend the Form, Dr. Cooper re-attested to her finding of mitral valve prolapse. Wyeth did not dispute the answers provided by Dr. Cooper on the Green Form and, as a result, the Trust had no reason to send Demny's claim to audit. Because the Trust followed the correct procedures and properly relied on the findings of Eileen Demny's attesting physician, the claim of her Estate for Matrix A benefits was properly denied.

BY THE COURT:


C.J.