

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*,

Plaintiffs,

v.

Civil Action No. 99-20593

AMERICAN HOME PRODUCTS
CORPORATION,

Defendant.

**JOINT MOTION TO APPROVE AND IMPLEMENT
THE NINTH AMENDMENT TO THE NATIONWIDE CLASS ACTION SETTLEMENT
AND FOR THE ENTRY OF RELATED COURT-APPROVED PROCEDURES**

Class Counsel and Wyeth respectfully move this Court for the entry of an Order in the form appended as Exhibit A:

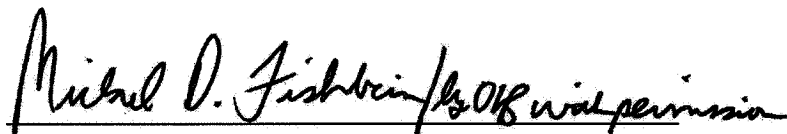
- A. Approving the Ninth Amendment to the Settlement Agreement attached as Exhibit 1 to the proposed Order;
- B. Approving the Amended and Restated Trust Agreement attached as Exhibit 2 to the proposed Order;
- C. Approving the Transition Agreement attached as Exhibit 3 to the proposed Order;
- D. Appointing Martin Rudolph as the Ninth Amendment Trustee;
- E. Authorizing revised reporting requirements for the Ninth Amendment Trustee in the form attached as Exhibit 4 to the proposed Order;
- F. Directing the adoption of procedures for the Audit of Fund A Claims in the form attached as Exhibit 5 to the proposed Order; and

- G. Authorizing revised procedures for the funding of Fund A benefits and Matrix Compensation Benefits into the Settlement Fund in the form attached as Exhibit 6 to the proposed Order.

The grounds for this Joint Motion are set forth in the accompanying Memorandum in Support.

Respectfully submitted,

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Dated: June 6, 2005

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing Joint Motion to Approve and Implement the Ninth Amendment to the Nationwide Class Action Settlement with American Home Products Corporation was filed electronically this 6th day of June, 2005 and is available for viewing and downloading from the ECF System of the United States District Court for the Eastern District of Pennsylvania.

The undersigned further certifies that a true and correct copy of the foregoing document was served this 6th day of June, 2005 by first-class mail, postage prepaid, on all counsel identified on the attached Service List.

"/s/" Milind M. Shah

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