

hb

10/270

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

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

MDL NO. 1203

FILED

APR 11 2000

MICHAEL E. KUNZ, Clerk Dep. Clerk

THIS DOCUMENT RELATES TO: ALL ACTIONS

SHEILA BROWN, et al. v. AMERICAN HOME PRODUCTS CORPORATION

CIVIL ACTION NO. 99-20593

PRETRIAL ORDER NO. 1238

Upon the agreement of Class Counsel and counsel for American Home Products Corporation and with the approval of the Interim Claims Administrators ("ICAs") and in accordance with Pretrial Order No. 997, it is hereby ORDERED, ADJUDGED, and DECREED that all complete Initial Opt-Out notices ("Notices") received by the ICAs on or before March 30, 2000, are timely and valid. For the purposes of determining the timeliness and validity of Notices received by the ICAs after March 30, 2000, the following rules shall apply to notices filed by Class Members using the United States Postal Service:

- 1. Notices postmarked on or before March 30, 2000, are timely and valid.
2. Notices postmarked after March 30, 2000, are untimely and invalid.

- 3. Notices without postmarks and containing a signature by the Class Member made after March 30, 2000, are untimely and invalid.
- 4. Notices without postmarks and containing a signature by the Class Member made on or before March 30, 2000, are timely and valid if received by the ICAs on or before April 10, 2000; such Notices shall be presumed to be untimely and invalid if received by the ICAs after April 10, 2000. This presumption may be rebutted by evidence of timeliness which is satisfactory to the Court.

Notices transmitted to the ICAs by means other than the United States Postal Service are timely and valid if received by the ICAs on or before March 30, 2000, or if placed in the custody of an overnight delivery service on or before March 30, 2000.

BY THE COURT:

LOUIS C. BECHTLE, J.

04-11-00
 Louis C. Bechtle, J.