

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

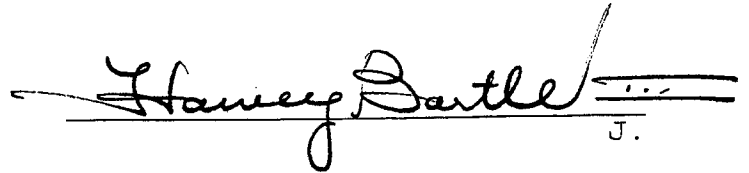
IN RE: DIET DRUGS : MDL DOCKET NO. 1203
(PHENTERMINE, FENFLURAMINE, :
DEXFENFLURAMINE) PRODUCTS :
LIABILITY LITIGATION :
: :
THIS DOCUMENT RELATES TO: :
: :

SHEILA BROWN, et al. :
: :
v. :
: :
: :
AMERICAN HOME PRODUCTS :
CORPORATION : CIVIL ACTION NO. 99-20593

PRETRIAL ORDER NO. 2580

AND NOW, this 19th day of August, 2002, it is hereby
ORDERED that the Rules for Review of Attorneys' Fee Petitions and
Other Compromises by Representative Claimants, Minor Claimants
and Other Claimants, attached as Exhibit A, are APPROVED.

BY THE COURT:


J.

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

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|----------------------------|---|--------------|
| IN RE DIET DRUGS | : | |
| (PHENTERMINE/FENFLURAMINE/ | : | MDL NO. 1203 |
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| THIS DOCUMENT RELATES TO: | : | |
| ALL ACTIONS | : | |
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| SHEILA BROWN, et al. v. AMERICAN | : | CIVIL ACTION NO. 99-20593 |
| HOME PRODUCTS CORPORATION | : | |

**RULES FOR REVIEW OF ATTORNEYS' FEE PETITIONS AND OTHER
COMPROMISES BY REPRESENTATIVE CLAIMANTS, MINOR
CLAIMANTS AND OTHER CLAIMANTS**

I. PURPOSE AND SCOPE

The United States District Court for the Eastern District of Pennsylvania's Local Rule of Civil Procedure 41.2 (c) requires that:

No counsel fee, costs or expenses shall be paid out of any fund obtained for a minor, incapacitated person or such decedent's estate as a result of a compromise, settlement, dismissal or judgment unless approved by the Court.

These Rules implement Local Rule of Civil Procedure 41.2 (c), the provisions of Court Approved Procedure No. 2, and Sections VIII.B.1 and VIII.E.3 of the Nationwide Class Action

Settlement Agreement with American Home Products Corporation dated November 18, 1999, as Amended (the "Settlement Agreement").

These Rules shall be interpreted in accordance with the terms of the Settlement Agreement. All capitalized terms in these Rules shall be interpreted as they are defined in the Settlement Agreement. These Rules shall apply to all attorneys' petitions for fees and costs that: 1) reduce the recovery of a minor or an incapacitated person; 2) reduce the recovery of an estate in which a minor or incapacitated person has an interest; or 3) are submitted when a Court's approval of the amount of attorneys' fees and costs is otherwise required. These rules shall only apply to benefits that are paid from Fund B of the Trust's Funds as established pursuant to the Settlement Agreement.

II. RULES FOR SUBMITTING ATTORNEYS' PETITIONS FOR FEES AND COSTS

1. The Trust shall pay to the Claimant the portion of the Matrix benefit that is not subject to Court approval under these Rules as provided by the Settlement Agreement. The Trust shall withhold payment of the portion of the Matrix benefit that is subject to the Court's approval as prescribed by these Rules, and may not pay an attorney's petition for fees and costs that arises from an agreement between an attorney and a representative of an incapacitated Claimant, a minor Claimant, an estate in which a minor or incapacitated person has an interest or an other Claimant who requires Court approval to compromise or settle his or her action until the requirements of these Rules have been discharged.¹ These Rules shall apply in all instances where a statute or other provision of law requires the Court to approve a petition for attorneys'

¹ Hereinafter the term Claimant will be used to refer collectively to both Claimants and their representatives.

fees or costs arising from a claim. An attorney may waive his or her right to receive fees and costs, in which case the Trust shall pay the applicable amount to the Claimant or to a subrogee as applicable. In the event an attorney submits a petition for fees and costs to the Court, the Trust shall not pay the fees and costs that are the subject of that attorney's petition for fees and costs until the attorney withdraws his or her petition for fees and costs or the Court has issued an Order approving the attorney's petition for fees and costs that is final and unappealable. Orders approving attorneys' petitions for fees and costs shall be communicated to the Trust by the Court.

2. Attorneys seeking Court approval of a petition for fees and costs shall file with the Clerk of the United States District Court for the Eastern District of Pennsylvania a petition that comports with the requirements described in Rule 3.

3. An attorney petitioning the Court for approval of a payment of fees and costs shall submit to the Court a petition for fees and costs under oath that includes (a) a proposed form of Order; (b) the terms of the attorney's agreement with the Claimant for the payment of fees and costs, a copy of which shall be attached; (c) a citation of authority that states any limits on or presumptions or guidelines relating to contingent fee agreements in the jurisdiction(s) governing the contractual relationship between the attorney and the Claimant; and (d) an explanation of why the attorney's fees and costs requested are reasonable. That explanation shall include:

- (1) The amount of work performed;
- (2) The character of the services rendered;
- (3) The difficulty of the problems involved;
- (4) The importance of the litigation;
- (5) The degree of responsibility incurred;

- (6) Whether the fund involved was “created” by the attorney;
- (7) The professional skill and standing of the attorney in his or her profession;
- (8) The results the attorney was able to obtain;
- (9) Such further information the attorney views as pertinent.

4. An attorney filing a petition for fees and costs with the Court shall serve a copy of his or her petition for fees and costs, on:

P. Douglas Sisk
AHP Settlement Trust
701 Market Street
Suite 5555
Philadelphia, PA 19106

and upon Counsel for the Trust:

Andrew A. Chirls
Wolf, Block, Schorr and Solis-Cohen LLP
1650 Arch Street, 22nd Floor
Philadelphia, PA 19103

and upon the Claimant.

5. Within twenty (20) days of the filing of the attorney’s petition for fees and costs with the Court, the Claimant may file an opposition or other response that states its position on the attorney’s petition for fees and costs. If the Claimant does not file an opposition or other response within twenty (20) days of the attorney’s filing of his or her petition for fees and costs, the Court may proceed solely on the basis of the attorney’s petition for fees and costs.

6. The Court upon its own motion, or upon motion of the Claimant, may Order the filing of additional briefs, affidavits, or other information with the Court.

7. The Court upon its own motion, or upon motion of the Claimant, may schedule a hearing on the merits of the attorney's petition for fees and costs, or the matter may be decided on the written submissions alone.

8. The Court upon its own motion, or upon the motion of the Claimant, may appoint a guardian *ad litem* for a Claimant. If the Court appoints a guardian *ad litem*, the guardian *ad litem*'s fees and costs will be paid from the portion of the Matrix benefit that is subject to Court approval.