

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

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

Civ. No. 99-20593

PRETRIAL ORDER NO. 4467

**(Stay of Certain Trust Activity Pending Consideration of the
Seventh Amendment and the Parties' Proposals for Further Changes in Trust Operations)**

AND NOW, this 8th day of ~~January~~ ^{February}, 2005, it is hereby ORDERED as follows:

1. ***Matters Stayed by this Order.*** As of the date of entry of this Order, the following activities of the AHP Settlement Trust ("Trust") are STAYED, except as provided in Paragraph 2 of this Order:

- (a) Any Audits or any other review of any echocardiogram tapes or discs relating to any claim for benefits other than claims for Matrix Compensation Benefits;
- (b) All processing and payment of any claim for Additional Medical Services or Cash pursuant to Sections IV.A.1.c or IV.A.2.c of the Settlement Agreement;
- (c) All processing of any claim subject to a Pre-Stay Payable PADL (as that term is defined in Pretrial Order No. 3883) that the Trust has designated as within Paragraph 5(a) of Pretrial Order No. 3883, except as otherwise provided in any subsequent order of this Court establishing a Court-Approved Procedure for processing such Pre-Stay Payable PADL claims;
- (d) All investigations of and processing of claims for Matrix Compensation Benefits now in the contest phase of the Audit process under Section VI.E of the Settlement Agreement and Rule 18 of the Rules for the Audit of Matrix Claims approved by PTO No. 2807, with all deadlines applicable to the Contest process for such claims hereby suspended for the duration of the stay imposed by this Order;

- (e) All investigations of, filings, and proceedings relating to any claims in the Show Cause process under Section VI.E of the Settlement Agreement and Section V of the Policies and Procedures for Audit and Disposition of Matrix Compensation Claims in Audit approved by PTO No. 2457 or Rules 19 through 38 of the Rules for the Audit of Matrix Claims approved under PTO No. 2807, including any mediation of such claims under the Eighth Amendment to the Settlement Agreement, with all deadlines applicable to the Show Cause process for such claims hereby suspended for the duration of the stay imposed by this Order;
- (f) The processing, Audit, or payment of any claims for Matrix Compensation Benefits on Matrix Levels I and II;
- (g) As to all claims of any kind, the “Claims Integrity Program” described in Section 11.0 of the Trust’s August 4, 2003 Operations Plan; and
- (h) All deadlines, filings, and proceedings of any kind relating to the Trust’s Motion for Approval of Revised Audit Rules and Enhanced Auditor Training, filed on November 12, 2004 (Docket Number 206593).

2. ***Matters Not Stayed by this Order.*** Notwithstanding the foregoing, the stay

imposed by this Order shall not apply to the following activities of the Trust:

- (a) All actions and proceedings relating to claims for Matrix Compensation Benefits on Matrix Levels III, IV, and V processed under the Parallel Processing Program approved in PTO No. 3882, including any such claims that are found payable on Matrix Levels I or II after processing under the Parallel Processing Program;
- (b) All actions and proceedings relating to claims subject to PTO No. 4245;
- (c) Processing and payment of claims under Paragraphs 5(b) and 5(c) of Pretrial Order No. 3883;
- (d) Claims for Additional Medical Services or Cash by Class Members whose claims for Matrix Compensation Benefits are not stayed by this Order;
- (e) The Claims Integrity Program as to any claims not stayed by this Order, and as necessary for the Trust to comply with: (i) any Orders of this Court; (ii) requests from local, state, or federal investigative authorities for documents or information, or (iii) a state or federal grand jury or such other person or entity identified as the lawful recipient of documents or information that is the subject of a state or federal grand jury subpoena, a criminal trial subpoena or administrative subpoena;

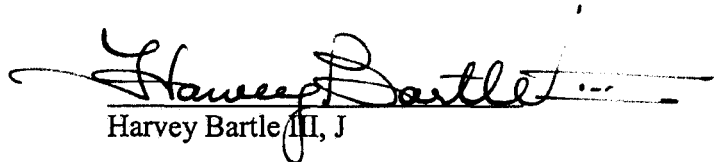
- (f) All actions and proceedings relating to the provision of benefits in the Screening Program;
- (g) Actions and proceedings relating to claims in the Arbitration process under Section VI.C.4.h-i of the Settlement Agreement;
- (h) Actions and proceedings under Sections D, F, and G of the Special Master's proposed Eighth Amendment Mediation Program, after Court approval of such Program, to prepare claims for the mediation process; and
- (i) Actions by the Trust to receive mail and other submissions, scan the materials, and input data from such materials into its claims database, on all claims, including any claims on which other actions are stayed by this Order.

3. ***Duration of the Stay Imposed by this Order.*** The stay imposed by this Order shall continue until 60 days after the date of entry by this Court of an order on the motion for approval of the Seventh Amendment, without prejudice to the right of Wyeth and Class Counsel

to apply to extend the stay beyond such period *for good cause shown.* *The parties shall file a status report on or before March 8, 2005.*

4. ***Notice of this Order.*** The Trust shall post notice of this Order on its official website and shall train its Call Center operators to explain it to persons who contact the Trust.

The Plaintiffs' Management Committee shall post notice of the Joint Motion and of this Order on the MDL No. 1203 website and shall cause a copy of this Order to be served upon the approved MDL Service List.


Harvey Bartle/III, J