

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

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IN RE DIET DRUGS  
(Phentermine/Fenfluramine/  
Dexfenfluramine) PRODUCTS  
LIABILITY LITIGATION

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: MDL NO. 1203  
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THIS DOCUMENT RELATES TO:

SHEILA BROWN, et al.,  
  
Plaintiffs,

v.

AMERICAN HOME PRODUCTS  
CORPORATION,

Defendant.

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: Civil Action No. 99-20593  
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PRETRIAL ORDER NO. 5398

**(Approving the Ninth Amendment to the Nationwide Class Action Settlement Agreement and Related Court-Approved Procedures)**

AND NOW, this ~~1st~~ day of July, 2005, upon consideration of the unopposed Joint Motion for Approval of the Ninth Amendment to the Nationwide Class Action Settlement Agreement with American Home Products Corporation (the "Ninth Amendment") and for Entry of Related Court-Approved Procedures, it is hereby ORDERED that:

1. ***Incorporation of Defined Terms in the Settlement Agreement and Ninth Amendment.*** The capitalized terms used in this Order shall be defined as set forth in the Settlement Agreement and the Ninth Amendment.

**2. Approval of the Ninth Amendment.** The Court hereby approves the Ninth Amendment in its entirety under the standard that would be applicable under Rule 23(e) of the Federal Rules of Civil Procedure and finds and determines that the Ninth Amendment is, in all respects, fair, reasonable, and non-collusive. The Ninth Amendment is attached to this Order as Exhibit 1.

**3. Required Compliance with the Ninth Amendment.** All Class Members, the Trust, the Trustees, Wyeth, Class Counsel, and other Released Parties, and all other persons or entities affected by the Ninth Amendment, and the agents, contractors, counsel, and any person or entity acting or purporting to act on behalf of any of the foregoing, are hereby directed to comply with all terms and provisions of the Ninth Amendment.

**4. Approval of Amended and Restated AHP Settlement Trust Agreement.** The Court hereby approves the terms of the Amended and Restated AHP Settlement Trust Agreement attached to this Order as Exhibit 2.

**5. Approval of Transition Agreement.** The Court hereby approves the terms of the Transition Agreement attached to this Order as Exhibit 3.

**6. Appointment of Ninth Amendment Trustee.** The Court hereby appoints Martin Rudolph as Ninth Amendment Trustee for purposes of administering the terms of Settlement, as amended, pursuant to the terms of the Amended and Restated AHP Settlement Trust Agreement.

**7. Approval of Trust Revised Reporting Requirements**

**Court-Approved Procedure.** The Court hereby approves the Trust Revised Reporting Requirements Court-Approved Procedure, attached to this Order as Exhibit 4.

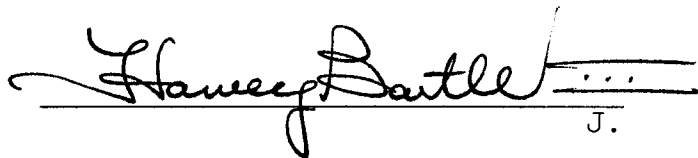
**8. Approval of Agreed Funding Procedure.** The Court hereby approves the Agreed Funding Procedure No. 02-03, attached to this Order as Exhibit 6.

**9. 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.

**10. Retained Jurisdiction.** Without affecting the finality of this Order in any way, the Court retains original and exclusive jurisdiction over the interpretation, implementation, and enforcement of the Ninth Amendment incident to its exclusive, retained jurisdiction under section VIII.B.1 of the Settlement Agreement and Paragraph 11 of PTO No. 1415 entered by the Court on August 28, 2000.

11. **Final Order.** As there is no just reason for delay of the entry of this Order, the Court directs that final judgment be entered as set forth in this Order.

BY THE COURT:

A handwritten signature in cursive script, reading "Hansley Battle", is written over a horizontal line. To the right of the signature, there are three dots and the letter "J." below the line.