

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. 2:15MD1203
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SHEILA BROWN, ET AL.	:	CIVIL ACTION NO.
v.	:	99-20593
AMERICAN HOME PRODUCTS CORPORATION	:	
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Appellant: Arbitration No.: Claim No.: 183/00	:	REPORT AND AWARD OF ARBITRATOR

FINDINGS OF FACT

1. On [REDACTED] the AHP Settlement Trust ("Trust") denied the claim of [REDACTED] for Matrix Compensation Benefits.
2. On [REDACTED] filed an appeal from the denial of benefits by the Trust, requesting that the United States District Court ("Court") refer this matter to Arbitration.
3. On [REDACTED] the claim of [REDACTED] was referred by the Court to Arbitration pursuant to VI.C.4(h) & (i) or VI.D.1.(f) & (g) of the Nationwide Class Action Settlement Agreement with American Home Products Corporation.
4. On [REDACTED] an Arbitration Hearing was held concerning the claim of [REDACTED]

ANALYSIS

1. The Pharmacy records of indicate that she took Pondimin and Redux for 61 days or more.
2. According to questions 7, 8 and 9 of Pink Form, dated answered that she took Pondimin and Redux for 61 days or more.
3. submitted a Green Form dated
4. In the Green Form, reference is made to an echocardiogram which was performed on October 25, 2001. (See the Green Form, Part II, page 8, at questions C.1 and C.2).
5. The GREEN Form submitted by reports no mitral valve regurgitation and no aortic valve regurgitation. (See Green Form, Part II, page 8, at question C.3). The answers to the questions in Part II of Green Form were completed by her physician, a Board-Certified Cardiologist. (See Green Form, Part II, page 7, Section A).
6. submitted a Gray Form dated which also makes reference to the echocardiogram performed on (See Gray Form, page 1, questions 4 and 5).
7. The Gray Form submitted by reports no mitral valve regurgitation and no aortic valve regurgitation. (See Gray Form, page 2, question 6).
8. submitted a Gray Form #2 which also makes reference to the echocardiogram performed on (See Gray Form #2, page 1, questions 4 and 5).

9. Gray Form #2 submitted by reports no mitral valve regurgitation and no aortic valve regurgitation. (See Gray Form #2, page 2, question 6).

CONCLUSIONS

1. The Trust findings are not clearly erroneous as set forth in Rule 5 of the Rules Governing the Arbitration Process.

2. Based upon the above findings, is not entitled to any Matrix Benefits because:

a. Both echocardiogram and Green Form indicate that she is not FDA positive. (Settlement Agreement, Section 1.22(a)).

b. Matrix Level I Benefits must be based on severe aortic regurgitation and/or on severe mitral regurgitation, neither of which conditions exist in this case, (Id., Section IV.B.2.c(1)(a)), or based on other conditions that are not present in this case. (Id., Section IV.B.2.c(1)(b)).

c. Matrix Level II Benefits must be based, at a minimum, on moderate or severe aortic regurgitation, or on moderate or severe mitral regurgitation, neither of which conditions exist in this case. (Id., Section IV.B.2.c(2)).

3. The conditions that are prerequisite to recovery of Matrix Levels III, IV and V Benefits are also not present in this claim. (Id., Section IV.B.2.c(3), (4) and (5)).

4. Based upon all of the above, the Appellant is not entitled to any Matrix Benefits.

September 17, 2004

ARBITRATOR