

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	:	
-----	:	
Appellant: REDACTED	:	REPORT AND AWARD OF
Arbitration No: REDACTED	:	ARBITRATOR
Claim No: REDACTED	:	

**FINDINGS OF FACT**

1. On [DATE] the Trustees of American Home Products Corporations denied the claim of [APPELLANT] for Matrix Compensation Benefits.
  
2. On [DATE] [APPELLANT] requested that the District Court refer this matter to arbitration.
  
3. On [DATE] the claim of [APPELLANT] was referred by the United States District Court for arbitration from the Trustees and/or claims administrator's denial of benefits to [APPELLANT].

4. On [DATE] a hearing was held on the arbitration claim of [APPELLANT].

### ANALYSIS

1. Pharmacy records of [APPELLANT] reflect that she was dispensed Pondimin from November 1995 to November 1996.

2. [APPELLANT]'s Pink Form includes her statement that she took the Diet Drugs for 61 or more days (Pink Form, page 4, questions 8 and 9).

3. In the Green Form reference is made to an echocardiogram. The echocardiogram was performed on [DATE]. This is referred to on the Green Form, dated [DATE], page 8, at questions C. 2 and C. 3.

4. The answers to [APPELLANT]'s Green Form indicate that her level of mitral valve regurgitation is mild and that her level of aortic valve regurgitation does not rise to the level of mild. (Green Form, page 8, question C.3.A, B)

### CONCLUSIONS

1. The Trust findings are not clearly erroneous as set forth in Rule 5.

2. Based upon the findings above, **[DATE]** is not entitled to any Matrix level benefits at this time because:

a. Matrix Level I benefits must be based on severe aortic regurgitation or severe mitral regurgitation (Settlement Agreement, Section IV.B.2.c(1)(a), page 36) or on other conditions that are not presented in this claim. (Id., Section IV.B.2.c(1)(b), page 36).

b. Matrix Level II benefits must be based on moderate or severe aortic regurgitation or moderate or severe mitral valve regurgitation with complicating factors. (Id.; Section IV.B.2.c(2), pages 37-39).

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), pages 39-45).

4. Based upon all of the above, **[APPELLANT]** is not presently entitled to any Matrix Benefits.

5. Claimant may later qualify for Matrix Level benefits if her condition becomes more severe in ways that are defined by the Settlement Agreement. If an echocardiogram, taken and reviewed by a qualified physician as defined by the Settlement Agreement, reveals a Matrix Level

condition, then claimant may apply for benefits between now and December 31, 2015 by following the procedures stated in the Settlement Agreement which would include submission of a new Green Form.

2/15/02  
DATE

\_\_\_\_\_  
REDACTED, ESQUIRE  
ARBITRATOR