

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 pro se 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 he was dispensed Redux from June to September of 1997.
2. [APPELLANT'S] Pink Form includes his statement that he 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 March 3, 2000. This is referred to on the Green Form, dated July 29, 2000, page 8, at questions C. 2 and C. 3.
4. The answers to [APPELLANT'S] Green Form indicate that neither his level of mitral valve regurgitation nor his level of aortic valve regurgitation 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 of the Rules Governing Arbitration Process.
2. Based upon the findings above, [APPELLANT] 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)) or on other conditions that are not presented in this claim. (Id., Section IV.B.2.c(1)(b)).
 - 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)).
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, [APPELLANT] is not presently entitled to any Matrix

Benefits.

5. If [APPELLANT'S] echocardiogram of September 24, 2001, or another echocardiogram taken by the end of the screening program, shows that he is FDA positive or that he has mild mitral valve regurgitation, he should register his results as a precondition for Matrix Benefit eligibility. Then, if he develops a Matrix Level condition by December 31, 2015 he will be able to apply for Matrix Level benefits by following the procedures stated in the Settlement Agreement which would include submission of a new GREEN Form.

02/20/02
DATE

REDACTED, ESQUIRE
ARBITRATOR