

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

IN RE: DIET DRUGS (PHENTERMINE /	:	MDL DOCKET NO.
FENFLURAMNE/DEXFENFLURAMINE)	:	2 :15MD1203
PRODUCTS LIABILITY LITIGATION	:	
-----	:	
	:	
SHEILA BROWN, ET AL.	:	
v.	:	CIVIL ACTION
AMERICAN HOME PRODUCTS	:	99-20593
CORPORATION	:	
-----	:	
	:	
Appellant: REDACTED	:	
Arbitration No.: REDACTED	:	REPORT AND AWARD
Claim No.: REDACTED	:	OF ARBITRATOR
	:	

**FINDINGS OF FACT**

1. On **[DATE]**, the Trustees of American Home Products Corporation denied the claim of **[APPELLANT]** for Matrix Compensation Benefits.
2. On **[DATE]**, **[APPELLANT]** filed a notice of appeal to the District Court from the Trustees' denial of benefits.
3. On **[DATE]**, the United States District Court for the Eastern District of Pennsylvania referred for arbitration the appeal of **[APPELLANT]** from the Trustees' denial of benefits.
4. On **[DATE]**, a hearing was held on the arbitration claim of **[APPELLANT]**.
5. **[APPELLANT'S]** pink form includes a declaration by **[DOCTOR]** that **[DOCTOR]** prescribed Pondomin to **[APPELLANT]** between April and November, 1996.
6. **[APPELLANT'S]** pink form includes her statement that she took the diet drugs Pondimin and/or Redux for 61 days or more.

## ANALYSIS

1. **[APPELLANT'S]** file contains only one Green Form, dated 3/21/00, in which she seeks Matrix Level II benefits. (See Green Form, page 4, Question 5.)
2. **[APPELLANT'S]** 3/21/00 Green Form contains a reference by **[DOCTOR]**, a Board-Certified Cardiologist, to an undated Echocardiogram. (See Green form, page 8, question C.2.)
3. According to **[DOCTOR'S]** certification, **[APPELLANT]** was found to have mild aortic regurgitation. (See green form, page 8, question C.3.B.) This finding appears consistent with the 6/3/98 Echocardiography Report bearing the heading **[REDACTED]**.
4. **[APPELLANT]** submitted a subsequent echocardiogram, dated 4/10/01, but did not submit a supplemental green form.
5. To be eligible for Matrix Level II Benefits, an individual's aortic regurgitation must be moderate or severe. (Settlement Agreement, Section IV B.2.c(2), pages 37-38.)
6. Because **[APPELLANT]** suffers from mild aortic regurgitation, she is considered FDA positive. As such, she is eligible to apply for Matrix Benefit Compensation if, within fourteen years after Final Judicial Approval (or 12/31/15, whichever date is sooner) she substantiates that her condition has progressed to a Matrix Level Condition.

## CONCLUSIONS

1. The conditions required for recovery of Matrix Level II Benefits are not present in this claim.
2. The findings of the Trust are not clearly erroneous, as set forth in Rule 5 of the Rules Governing Arbitration Process.
3. Based upon the findings above, **[APPELLANT]** is not currently entitled to any Matrix Benefits because the conditions that are required for recovery of Matrix Level I, II, III, IV or V Benefits are not present in this claim. (Settlement Agreement, Sections IVB.2.c(1), (2), (3), (4) and (5).)

Accordingly, based on all of the above, I find that the claimant is not presently entitled to any Matrix Compensation Benefits.

February 19, 2002  
DATE

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/s/  
**REDACTED**, Arbitrator