

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

IN RE: DIET DRUGS
(PHENTERMINE/FENFLURAMINE/
DEXFENFLURAMINE) PRODUCTS LIABILITY
LITIGATION

MDL NO. 1203

THIS DOCUMENT RELATES TO: SHEILA BROWN,
ET AL. V. AMERICAN HOME PRODUCTS
CORPORATION

CIVIL ACTION
No. 99-20593

PRETRIAL ORDER No. 7129

(SECOND AUTHORIZATION FOR INTERIM DISTRIBUTION FROM
THE SUPPLEMENTAL CLASS SETTLEMENT FUND AND
FOR DISTRIBUTION OF MINIMUM PAYMENT AMOUNTS)

AND NOW, this 20th day of April, 2007, upon consideration of the Second Joint Motion by the Fund Administrator, Class Counsel and the Seventh Amendment Liaison Committee for Judicial Authorization to Make an Interim Distribution of Estimated Individual Payment Amounts and a Distribution of Minimum Payment Amounts to Certain Category One Class Members (the "Second Joint Motion"), it is hereby

ORDERED, ADJUDGED AND DECREED that:

1. The Second Joint Motion is GRANTED.
2. As used in this Order, capitalized terms shall have the same meanings that those terms have in the Seventh Amendment to the Nationwide Class Action Settlement Agreement with American Home Products Corp. ("Seventh Amendment").
3. The Court finds that the prerequisites to an Interim Distribution from the Supplemental Class Settlement Fund

that are specified in Section XV.P of the Seventh Amendment have been satisfied. Specifically, the Court finds that:

A. The Medical Review process specified by the Seventh Amendment has been completed with respect to the claims of more than fifty percent (50%) of the Category One Class Members; and

B. An Interim Distribution from the Supplemental Class Settlement Fund as authorized herein will not put the Supplemental Class Settlement Fund at risk of not being able to pay in full all Individual Payment Amounts ultimately determined to be due to all eligible Category One Class Members.

4. The Court hereby authorizes an Interim Distribution in the total aggregate amount of \$100,156,787.70 from the Supplemental Class Settlement Fund, representing forty percent (40%) of the Estimated Individual Payment Amounts listed in Schedules I and II to the Second Joint Motion. Forty percent of the Estimated Individual Payment Amounts listed in Schedules I and II to the Second Joint Motion shall be distributed to the Category One Class Members identified in Schedules I and II to the Second Joint Motion as follows:

A. Beginning on a date that is not more than thirty (30) days from the date on which this Order has been entered, the Fund Administrator shall promptly draw checks payable to each unrepresented Category One Class Member listed on Schedules I and

II to the Second Joint Motion and shall issue checks that are jointly payable to each represented Category One Class Member and his or her primary attorney in amounts equal to forty percent (40%) of the Estimated Individual Payment Amount shown on Schedules I and II to the Second Joint Motion;

B. With respect to represented Class Members, the Fund Administrator shall promptly transmit such checks to the primary attorney for the Class Member via overnight delivery, accompanied by a transmission letter in the form appended hereto as Exhibit "1." A copy of the transmission letter shall also be delivered by first-class mail to the Class Member at his or her last known address;

C. With respect to unrepresented Class Members, the Fund Administrator shall promptly transmit such checks to the Class Member via overnight delivery, accompanied by a transmission letter in the form appended hereto as Exhibit "2";

D. The Fund Administrator shall not transmit any payment pursuant to Paragraph 4 of this Order unless and until it has received from the Class Member who is otherwise entitled to such payment a fully executed Release and Covenant Not to Sue in the form appended as Exhibit "F" to the Seventh Amendment and shall coordinate with Wyeth to assure compliance with this Sub-Paragraph 4.D; and

E. In distributing the gross amounts transmitted to counsel for represented Category One Class Members pursuant to Paragraph 4 of this Order, the attorneys for such Class Members shall comply with the provisions of Section XV.Q of the Seventh Amendment.

5. The Court hereby authorizes a distribution in the total aggregate amount of \$9,946,000.00 from the Supplemental Class Settlement Fund, representing Minimum Payment Amounts for all Category One Class Members who are listed in Schedule IV to the Second Joint Motion. The Minimum Payment Amount of \$2,000.00 shall be paid to each Category One Class Member listed in Schedule IV to the Second Joint Motion as follows:

A. In the case of unrepresented Class Members listed on Schedule IV to the Second Joint Motion, beginning on a date that is not more than thirty (30) days from the date on which this Order has been entered, the Fund Administrator shall promptly draw checks in the amount of \$2,000 that are payable to each such Class Member, containing the endorsement legend specified in Section VII.B.2 of the Seventh Amendment, and shall promptly transmit such checks to such Class Members via first-class mail, accompanied by a transmission letter in the form appended hereto as Exhibit "3";

B. In the case of each represented Class Member listed on Schedule IV to the Second Joint Motion, beginning on a

date that is not more than thirty (30) days from the date on which this Order has been entered, the Fund Administrator shall promptly draw: (i) checks in the amount of \$1,350 that are payable to each such Class Member individually, containing the endorsement legend specified in Section VII.B.2 of the Seventh Amendment and (ii) additional checks in the amount of \$650 that are jointly payable to each such Class Member and his or her primary attorney, containing the endorsement legend specified in Section VII.B.2 of the Seventh Amendment, and shall promptly transmit such checks to the primary attorney for the Class Member via first-class mail, accompanied by a transmission letter in the form appended hereto as Exhibit "4." A copy of the transmission letter shall also be delivered by first-class mail to the Class Member at his or her last known address; and


C. In distributing the gross amounts transmitted to counsel for represented Category One Class Members pursuant to Paragraph 5 of this Order, the attorneys for such Class Members shall comply with the provisions of Section XV.V of the Seventh Amendment.

6. All checks issued pursuant to this Order shall be drawn on the Supplemental Class Settlement Funds on deposit with PNC Bank, N.A., Escrow Agent.

7. In the copies of the transmission letters that the Fund Administrator is required to send to represented Class

Members under paragraphs 4(B) and 5(B) of this Order, the Fund Administrator may affix a legend on such copies that states:
"PLEASE NOTE THAT THIS IS A COPY of the letter and check(s) sent to your attorney. You must contact your attorney for information regarding your claim and/or check."

BY THE COURT:



HARVEY BARTLE III C.J.