

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

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: :  
IN RE: NEW YORK DIET DRUG LITIGATION : :  
: :  
-----X

Index No.: 700000/98

THIS DOCUMENT APPLIES TO ALL DIET DRUG :  
CASES VENUED IN NEW YORK COUNTY :  
: :  
-----X

**NOTICE OF ENTRY  
OF CASE MANAGEMENT  
ORDER NO. 15  
July 19, 2002**

PLEASE TAKE NOTICE that annexed hereto is a true and correct copy of **CASE  
MANAGEMENT ORDER NO. 15 (July 19, 2002)** duly entered in the above-captioned action  
and filed in the office of the Clerk of the Supreme Court of the State of New York in and for the  
County of New York on the 24th day of July, 2002.

Dated: New York, New York  
August 1, 2002

ARNOLD & PORTER

By: 

Michael D. Schissel  
Craig A. Stewart  
Alan S. Rabinowitz  
399 Park Avenue  
New York, NY 10022  
(212) 715-1000

*Attorneys for Wyeth*

TO: All Parties on the Master Service List

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

-----X  
IN RE: NEW YORK DIET DRUG LITIGATION

217  
Index No. 700000/98

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THIS DOCUMENT APPLIES TO ALL DIET DRUG  
CASES VENUED IN NEW YORK COUNTY

CASE MANAGEMENT  
ORDER NO. 15  
July 19, 2002

NEW YORK  
COUNTY CLERKS OFFICE

JUL 24 2002

FILED

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DISMISSAL OF CASES INVOLVING PLAINTIFFS WHO HAVE  
OPTED INTO THE NATIONAL CLASS SETTLEMENT

This Order and the procedures contained herein apply to all diet drug cases that are presently or hereafter assigned to the undersigned.

Wyeth is hereby authorized to move in the following manner to dismiss cases involving plaintiffs who have joined the Nationwide Class Action Settlement Agreement with Wyeth in *In re Diet Drugs Products Liability Litigation*, MDL Docket No. 1203 (E.D. Pa.), dated November 18, 1999 (the "Class Settlement"):

1. Wyeth shall file an affirmation setting forth its belief that the plaintiff or plaintiffs in question did not opt out of the Class Settlement. Attached to that affirmation shall be a list setting forth plaintiffs' names, case names, and index numbers.
2. Wyeth shall serve a copy of that affirmation on all parties in the affected cases along with a copy of this Case Management Order. If plaintiff is not represented by counsel, Wyeth shall execute such service by personal service or by such other means as directed by this Court.
3. Unless a party objects within thirty (30) days of service pursuant to paragraph 2, this Court will enter an order in the form attached hereto as Exhibit A, dismissing the case

with prejudice with respect to all parties. Such objection shall state in writing the objector's grounds for averring that plaintiff has opted out of the Class Settlement or other reasons that the entry of an order dismissing the case would be improper.

4. If plaintiff is not represented by counsel, the deadline for plaintiff to object pursuant to paragraph 3 shall be ~~forty-five (45) days~~ <sup>SIXTY (60)</sup> days.

5. Wyeth shall respond to any objection within ten (10) business days of receiving same.

Other Matters

7. This order does not deal with claims of plaintiffs who have purportedly exercised an opt-out right under the Class Settlement by filing the appropriate forms with the Settlement Trust and filing and serving a new complaint.

8. Defendant's Liaison Counsel is hereby directed to serve a copy of this order with notice of entry on all counsel listed on the Master Service List filed in these cases pursuant to Case Management Order No. 1.

SO ORDERED:

Dated: July 19, 2002  
New York, New York

  
\_\_\_\_\_  
Helen E. Freedman, J.S.C.

At IAS Part 39 Of The Supreme  
Court Of The State Of New York  
Held In And For The County Of  
New York, At 60 Centre Street, New  
York, New York On The \_\_\_ Day Of  
July, 2002

PRESENT:

HON: HELEN E. FREEDMAN

JUSTICE

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

IN RE: NEW YORK DIET DRUG LITIGATION

THIS DOCUMENT APPLIES TO ALL DIET DRUG  
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Index No. 700000/98

**[PROPOSED] ORDER**

Upon the annexed Affirmation of [ \_\_\_\_\_ ], dated \_\_\_\_\_, 2002, the  
exhibits attached thereto, and all other proceedings had herein, it is hereby ORDERED:

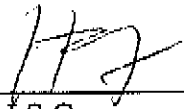
1. Each of the actions identified in Exhibit 1 to this Order is hereby  
dismissed. Each party shall bear its own costs and attorneys' fees.
2. As provided for in Section VIII.C.5<sup>1</sup> of the Nationwide Class Action  
Settlement Agreement, as amended, in the proceedings known as *In re Diet Drugs  
Products Liability Litigation*, MDL Docket No. 1203 (E.D. Pa.), dated November 18,  
1999 ("Class Settlement"), this dismissal is with prejudice with respect to all parties;

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<sup>1</sup> The full text of the agreement can be found at [www.settlementdietdrugs.com](http://www.settlementdietdrugs.com).

provided, however, that this Order shall not affect any rights to which Plaintiffs may be entitled pursuant to the Class Settlement.

ENTER:

  
\_\_\_\_\_  
J.S.C.