

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. 9552

**(Preliminary Approval of the Eleventh Amendment and Notice to Affected
Class Members)**

AND NOW, this 11th day of July, 2023, upon consideration of the Joint Motion to Approve the Eleventh Amendment to the Settlement Agreement and finding that the terms of the proposed Eleventh Amendment appear to fall within the range of possible approval, permitting a preliminary determination of fairness, reasonableness, and adequacy of the terms, it is hereby ORDERED that the request for preliminary approval in the Joint Motion is GRANTED. Accordingly, it is further ORDERED as follows:

1. ***Preliminary Approval.*** The Eleventh Amendment is preliminarily approved.
2. ***Approval of Mailed Notice to Eleventh Amendment Class Members.***

The postcard notice proposed by the Parties and in the form attached to this Order,

is approved. Not later than ten (10) days from the date of this order, the Parties will cause such notice to be mailed to the Eleventh Amendment Class Members as defined by the Eleventh Amendment, at the last known address available for them in the database of the AHP Settlement Trust, as refreshed by a query to a national address database. Where the database of the AHP Settlement Trust indicates that an Eleventh Amendment Class Member is represented by one or more counsel, the notice also will be mailed to the last known attorney listed in the database. Where an attorney represents more than one Eleventh Amendment Class Member, it will be sufficient to provide that attorney with a single copy of the notice. The cost of the notice will be paid by the Settlement Fund.

3. *Responses to the Motion for Approval.* Eleventh Amendment Class Members are not required to file any response to the Joint Motion for Approval. However, if any Eleventh Amendment Class Member chooses to do so, any response to the Joint Motion must be filed with the Clerk of this Court no later than thirty (30) days from the date of this Order. A response not timely filed will not be considered.

4. *Posting of this Order.* The Parties are to cause a copy of this Order to be posted on the official website of the AHP Settlement Trust and the website established by the Eleventh Amendment Claim Administrator.

5. *Retained Exclusive Jurisdiction.* Without affecting the finality of this Order in any way, the Court retains original and exclusive jurisdiction over the interpretation, implementation, and enforcement of this Order and the Protocol, incident to its retained jurisdiction under Section VIII.B.1 of the Settlement Agreement and Paragraph 11 of PTO No. 1415 entered by the Court on August 28, 2000.

BY THE COURT:

/s/ Harvey Bartle III

Harvey Bartle III, J.

Diet Drugs Settlement
P O Box 85006
Richmond, VA 23285

FIRST-CLASS
MAIL U.S.
POSTAGE PAID
PERMIT NO

Your Notice ID: 123456789



NOTICE
REGARDING THE
PONDIMIN® AND
REDUX™ CLASS
ACTION
SETTLEMENT

John D. Sample, Jr.
123 Main Street
Apt. #6
New York, NY 12345-6789

**In Re: Diet Drugs
(Phentermine/Fenfluramine/
Dexfenfluramine) Products Liability Litigation
(MDL No. 1203)**

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al. v. American Home Products Corporation
(Civil Action No. 99-20593)**

**This Notice is given pursuant to an order issued by
the United States District Court for the Eastern
District of Pennsylvania (the “Court”).**

On June 14, 2023, Class Counsel and Wyeth filed a joint Motion asking the Court to approve an Eleventh Amendment to the Nationwide Class Action Settlement of the litigation relating to the diet drugs Pondimin® and Redux™. The Memorandum in Support of the Motion explains that the Parties agreed to this Eleventh Amendment and seek its approval by the Court to streamline, expedite, and modernize the processing of any claims submitted for incremental Matrix Compensation Benefits and make the administration structure more in line with the

level of claim activity over the past several years. The Eleventh Amendment, if approved, will replace the AHP Settlement Trust and its Trustee with BrownGreer PLC as Claim Administrator to process all Claims for incremental Matrix compensation under the Settlement, subject to the supervision of and right of a Class Member to appeal to the Court. The proposed Eleventh Amendment does not change the compensation rights of any Class Member under the terms of the Nationwide Class Action Settlement Agreement.

You may read the Motion, Memorandum in Support, and the Eleventh Amendment and its Exhibits by going to the AHP Settlement Trust website at settlementdietdrugs.com or the website at www.dietdrugsettlementprogram.com. You may also request a copy by writing to Diet Drug Settlement Program, P.O. Box 85006, Richmond, VA 23285.

No one is required to file any response to the Motion. But if you would like to submit a response, you must file it with the Clerk of the Court ***no later than*** _____, **2023**. A late response will not be considered.

**BY ORDER OF THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**