

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. 1203

This Document Relates to:

SHEILA BROWN, *et al*,

Plaintiffs,

v.

Civil Action No. 99-20593

AMERICAN HOME PRODUCTS
CORPORATION,

Defendant.

PRETRIAL ORDER NO. 3786

(Extension of Stay Relating to Matrix Level I and II Claims)

AND NOW, upon consideration of the Joint Motion to Extend Stay submitted by Class Counsel, Wyeth, and Counsel for certain individual Class Members, and pursuant to the Court's authority under Sections VI.C.5 and VI.E.8 of the Settlement Agreement, it is hereby

ORDERED:

1. The stays imposed by Pretrial Order Nos. 3511, 3725, and 3747 are extended and shall continue through August 10, 2004.

2. If Class Counsel and Wyeth file with the Court on or before August 10, 2004, a final Seventh Amendment to the Settlement Agreement, along with all exhibits required by the Seventh Amendment and a motion and supporting memoranda seeking preliminary approval of the Seventh Amendment, the stay imposed by this Order shall be extended, without further order

of the court, until the Court enters an order granting or denying such preliminary approval motion.

3. The Trust shall post notice of the Joint Motion to Extend Stay and of this Order on its official website.

4. The Plaintiff's Management Committee shall post notice of the Joint Motion to Extend Stay and of this Order on its Website.

BY THE COURT:

Harvey Bartle III, J.

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Civil Action No. 99-20593

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Defendant.


JOINT MOTION TO EXTEND STAY

Class Counsel, Wyeth, and the counsel for individual Class Members who will comprise the Seventh Amendment Liaison Committee (“SALC”) under the proposed Seventh Amendment to the Settlement Agreement (the “Movants”), jointly move for an Order extending the stay initially set forth in Pretrial Order No. 3511, and further extended in Pretrial Order No. 3747, through August 10, 2004, and thereafter until the Court determines whether to grant preliminary approval of the Seventh Amendment to the Settlement Agreement, according to the form of Order submitted along with this Joint Motion. The grounds in support of this Joint Motion are set forth in the accompanying Memorandum.

Because of the urgency of the matters addressed in this Joint Motion and the significance of the requested relief to the completion of the proposed Seventh Amendment, the Movants ask that the Order sought in this Joint Motion be entered immediately upon its consideration by the Court. The Movants further ask that the Court direct that notice of this Joint Motion be provided to Class Members by posting it on the official website of MDL No. 1203 and of the Trust and by service upon the approved MDL Service List and upon the parties identified in the Supplemental Service List attached to this Joint Motion, with the Order to remain in place unless and until such time as any party affected by the Order shall establish good cause for vacating the Order in whole or part.

Respectfully submitted,

CLASS COUNSEL


Arnold Levin, Esquire
Michael D. Fishbein
LEVIN, FISHBEIN, SEDRAN & BERMAN
510 Walnut Street, Suite 500
Philadelphia, PA 19106
215-592-1500

Dated: August 5, 2004

COUNSEL FOR WYETH

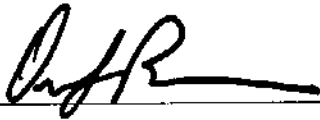
"/s/" Miland M. Shah

Peter L. Zimroth
ARNOLD & PORTER
399 Park Avenue
New York, NY 10022-4690
(212) 715-1010

Michael T. Scott
Paul B. Kerrigan
Miland M. Shah
REEDSMITH LLP
2500 One Liberty Place
Philadelphia, PA 19103-7301
(215) 851-8248

Robert D. Rosenbaum
Daniel S. Pariser
ARNOLD & PORTER
555 12TH Street, NW
Washington, DC 20004
(202) 942-5862

Ellen K. Reisman
ARNOLD & PORTER
777 S. Figueroa Street, Suite 4400
Los Angeles, CA 90017
(213) 243-4111



Orran L. Brown
BROWNGREER PLC
115 South 15th Street
Suite 400
Richmond, VA 23219
(804) 521-7201

Dated: August 5, 2004

ON BEHALF OF SALC

Wayne R. Spivey / by OLB w/ permission

Wayne R. Spivey
SHRAGER, SPIVEY & SACHS
Two Commerce Square
2001 Market Street, 32nd floor
Philadelphia, PA 19103
(215) 568-7771

Ellen A. Presby
BARON & BUDD, PC
The Centrum
3102 Oaklawn Avenue, Suite 1100
Dallas, TX 75215
(214) 521-3605

Jerry Alexander / by OLB w/ permission

Jerry Alexander
ALEXANDER & ASSOCIATES, P.C.
619 North 90th Street
Omaha, NE 68114
(402) 390-9339

George Fleming
James L. Doyle
FLEMING & ASSOCIATES, LLP
1330 Post Oak Boulevard
Suite 3030
Houston, TX 77056
(713) 621-6944

Tony Martinez, Esquire
MARTINEZ, BARRERA & MARTINEZ, LLP
1201 East Van Buren
Brownsville, TX 78520
(956) 546-7159

Dated: August 5, 2004

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MEMORANDUM IN SUPPORT OF JOINT MOTION TO EXTEND STAY

Class Counsel, Wyeth, and the counsel for individual Class Members who will comprise the Seventh Amendment Liaison Committee (“SALC”) under the proposed Seventh Amendment to the Settlement Agreement (the “Movants”), have moved jointly for an Order extending the stay initially set forth in Pretrial Order No. 3511, and further extended by Pretrial Order No. 3747, through August 10, 2004, and thereafter until the Court determines whether to grant preliminary approval of the Seventh Amendment, if the parties file the full Seventh Amendment by August 10, 2004.

On May 4, 2004, Class Counsel, Wyeth, and SALC filed a Joint Motion seeking a stay of all processing, auditing, and payment of claims for benefits on Matrix Levels I and II and related proceedings in the AHP Settlement Trust’s Claims Integrity Program. The purpose of the stay

was to permit the parties to finalize the proposed Seventh Amendment to the Settlement Agreement.

On May 6, 2004, the Court signed Pretrial Order No. 3511, granting the stay sought by the Movants. As requested in that Joint Motion, given the immediate need for the relief requested, the Court entered the stay shortly following its consideration.

Under Pretrial Order No. 3511, the stay was to expire on July 9, 2004. However, on July 13, 2004, in Pretrial Order No. 3725, the Court extended the stay until July 21, 2004, permitting the negotiation and drafting of the Seventh Amendment to continue during the pendency of the stay.

On July 21, 2004, the Movants signed the Seventh Amendment agreement and placed that signed agreement in escrow with Special Master Gregory P. Miller, pending completion of the important documentation that will be attached as exhibits to the Seventh Amendment. On July 22, 2004, in Pretrial Order No. 3747, the Court extended the stay through August 4, 2004, permitting completion of those exhibits during the pendency of the stay, with the stay to continue if the Movants filed the entire Seventh Amendment and pleadings seeking its preliminary approval on August 4, 2004.

By August 4, 2004, the Movants had completed all of the exhibits to the Seventh Amendment, except for one exhibit that requires the signature of a non-moving law firm. The Movants continue to work diligently to attempt to secure that final signature and will know by Friday, August 6, 2004, if it will be obtained. The Movants placed the completed exhibits in escrow with Special Master Miller on August 4, 2004. Extending the stay through August 10, 2004, will permit the Movants to conclude the Seventh Amendment in an appropriate manner.

For these reasons, the Movants urge that the Court extend the stay set forth in Pretrial Order Nos. 3511 and 3725, as provided in the accompanying proposed Order.

Respectfully submitted,

CLASS COUNSEL



Arnold Levin, Esquire
Michael D. Fishbein
LEVIN, FISHBEIN, SEDRAN & BERMAN
510 Walnut Street, Suite 500
Philadelphia, PA 19106
215-592-1500

Dated: August 5, 2004

COUNSEL FOR WYETH

"/s/" Miland M. Shah

Peter L. Zimroth
ARNOLD & PORTER
399 Park Avenue
New York, NY 10022-4690
(212) 715-1010

Robert D. Rosenbaum
Daniel S. Pariscr
ARNOLD & PORTER
555 12TH Street, NW
Washington, DC 20004
(202) 942-5862

Michael T. Scott
Paul B. Kerrigan
Miland M. Shah
REEDSMITH LLP
2500 One Liberty Place
Philadelphia, PA 19103-7301
(215) 851-8248

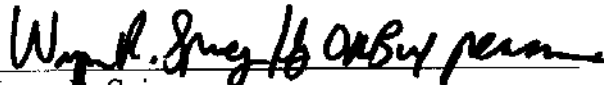
Ellen K. Reisman
ARNOLD & PORTER
777 S. Figueroa Street, Suite 4400
Los Angeles, CA 90017
(213) 243-4111



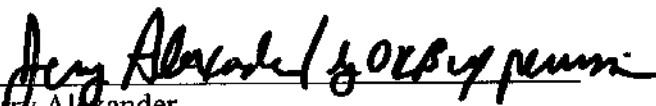
Orran L. Brown
BROWNGREER PLC
115 South 15th Street
Suite 400
Richmond, VA 23219
(804) 521-7201

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ON BEHALF OF SALC


Wayne R. Spivey
SHRAGER, SPIVEY & SACHS
Two Commerce Square
2001 Market Street, 32nd floor
Philadelphia, PA 19103
(215) 568-7771

Ellen A. Presby
BARON & BUDD, PC
The Centrum
3102 Oaklawn Avenue, Suite 1100
Dallas, TX 75215
(214) 521-3605


Jerry Alexander
ALEXANDER & ASSOCIATES, P.C.
619 North 90th Street
Omaha, NE 68114
(402) 390-9339

George Fleming
James L. Doyle
FLEMING & ASSOCIATES, LLP
1330 Post Oak Boulevard
Suite 3030
Houston, TX 77056
(713) 621-6944

Tony Martinez, Esquire
MARTINEZ, BARRERA & MARTINEZ, LLP
1201 East Van Buren
Brownsville, TX 78520
(956) 546-7159

Dated: August 5, 2004

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing Joint Motion To Extend Stay, Joint Memorandum in Support of Motion To Extend Stay, and Proposed Pretrial Order were filed electronically this 5th day of August, 2004 and are available for viewing and downloading from the ECF System of the United States District Court for the Eastern District of Pennsylvania.

The undersigned further certifies that a true and correct copy of the foregoing documents were served this 5th day of August, 2004 by first-class mail, postage prepaid, on all counsel identified on the attached Service List and Supplemental Service List.

Date: August 5, 2004

<p>Richard L. Scheff, Esquire Montgomery, McCracken, Walker & Rhoads, LLP 123 South Broad Street, Avenue of the Arts 28th Floor Philadelphia, PA 19109 215-772-1500 (p) 215-772-7502 (direct dial) 215-772-7620 (f)</p>	<p>Andrew A. Chirls, Esquire Abbe F. Fletman, Esquire Robyn D. Kotzker, Esquire Wolf Block Schorr and Solis-Cohen, LLP 1650 Arch Street, 22nd Floor Philadelphia, PA 19103-2097 215-977-2000 (p) 215-977-2472 (direct dial) 215-977-2337 (f) 215-405-2572 (direct fax)</p>
<p>Gregory P. Miller, Esquire Special Discovery Master Miller Alfano & Raspanti, P.C. 1818 Market Street, Suite 3402 Philadelphia, PA 19103 215-972-6400 (p) 215-988-1478 (f)</p>	<p>Arnold Levin, Esquire Michael D. Fishbein, Esquire Laurence S. Berman, Esquire 510 Walnut Street, Suite 500 Philadelphia, PA 19106 215-592-1500 (p) 215-592-4663 (f) (PMC/Class Counsel)</p>
<p>John J. Cummings, III, Esquire Cummings, Cummings & Dudenhefer 416 Gravier Street New Orleans, LA 70130 504-586-0000 (p) 504-522-8423 (f) (PMC/Class Counsel)</p>	<p>Stanley M. Chesley, Esquire Waite Schneider Bayless & Chesley Co., L.P.A. 513 Central Trust Tower Fourth & Vine Streets Cincinnati, OH 45202 513-621-0267 (p) 513-381-2375 (f) 513-621-0262 (f) (PMC/Class Counsel)</p>
<p>Roger P. Brosnahan, Esquire Law Offices of Roger P. Brosnahan, P.A. 116 Center Street Winona, MN 55987-3422 507-457-3000 (p) 507-457-3001 (f) (PMC)</p>	<p>Elizabeth J. Cabraser, Esquire Leiff, Cabraser & Heimann Embarcadero Center West 275 Battery Street San Francisco, CA 94111 415-956-1000 (p) 415-956-1008 (f) (PMC)</p>
<p>Michael D. Hausfield, Esquire Cohen, Milstein, Hausfield & Toll, PLLC 1100 New York Avenue, N.W. Suite 500, West Tower Washington, D.C. 20005-3934 202-408-4600 (p) 202-408-4699 (f) (PMC)</p>	<p>William S. Kemp, Esquire Harrison, Kemp & Jones LLP 3800 Howard Hughes Parkway 17th Floor Las Vegas, NV 89109 702-385-6000 (p) 702-385-6001 (f) (PMC)</p>

<p>Dianne M. Nast, Esquire Roda & Nast 801 Estelle Drive Lancaster, PA 17601 717-892-3000 (p) 717-892-1200 (f) (PMC/Class Counsel – Subclass 1a)</p>	<p>J. Michael Papantonio, Esquire Levin, Papantonio, Thomas, Mitchell, Eschner, Procter & Papantonio P.A., P.C. 316 Baylen Street Pensacola, FL 32501 850-435-7079 (p) 850-436-6079 (f) (PMC)</p>
<p>John M. Restaino, Jr., Esquire Lopez, Hodes, Restaino, Milman & Skikos 450 Newport Center Drive 2nd Floor Newport Beach, CA 92660 949-640-8222 (p) 949-640-8294 (f) (PMC)</p>	<p>Daryl S. Tschirn, Esquire 7825 Fay Avenue Suite 320 La Jolla, CA 92037 949-640-8222 (p) 949-454-0980 (f) (PMC)</p>
<p>Ms. Deborah A. Hyland Plaintiffs' Management Committee Constitution Place 325 Chestnut Street, Suite 200 Philadelphia, PA 19106 215-629-3919 (p) 215-629-3998 (f) 215-923-1153 (f) (PMC)</p>	<p>Sol H. Weiss, Esquire Anapol Schwartz Weiss Cohan Feldman & Smalley 1900 Delancey Place Philadelphia, PA 19103 215-735-1130 (p) 215-735-2211 (f) (Class Counsel)</p>
<p>Richard Lewis, Esquire Cohen Milstein Hausfeld Toll & Toll 1100 New York Avenue, N.W. Suite 500, West Tower Washington, DC 20005-3934 202-408-4600 (p) 202-408-4699 (f) (Class Counsel -- Subclass 1b)</p>	<p>Richard Wayne, Esquire Strauss & Troy The Federal Reserve Building 150 East 4th Cincinnati, OH 45202-4018 513-261-2120 (p) 513-241-8259 (f) (Class Counsel -- Subclass 3)</p>
<p>Gene Locks, Esquire Locks Law Firm 1500 Walnut Street 20th Floor Philadelphia, PA 19102 215-893-3434 (p) 215-893-3415 (f) (Class Counsel)</p>	<p>Mark W. Tanner, Esquire Feldman Shepherd & Wohlgelemer 1845 Walnut Street, 25th Floor Philadelphia, PA 19103 215-567-8300 (p) 215-567-8333 (f) (Class Counsel -- Subclass 2a)</p>

<p>R. Eric Kennedy, Esquire Weisman Goldberg Weisman & Kaufman 1600 Midland Building 101 Prospect Avenue West Cleveland, OH 44115 216-781-1111 (p) 216-781-6747 (f) (Class Counsel -- Subclass 2b)</p>	<p>Charles R. Parker, Esquire Hill & Parker 5200 Memorial, Suite 700 Houston, TX 77007-8392 713-868-5581 (p) 713-868-1275 (f) (Class Counsel)</p>
<p>P. Douglas Sisk, Esquire AHP Settlement Trust 701 Market Street Suite 5555 Philadelphia, PA 19106 (215) 701-3795 (p) (215) 923-5217 (f)</p>	<p>Edward W. Madeira, Jr., Esquire Pepper Hamilton, LLP 300 Two Logan Square 18th & Arch Streets Philadelphia, PA 19103 215-981-4000 (p) 215-981-4750 (f)</p>
<p>Peter G. Resnik, Esquire McDermott Will & Emery 28 State Street, 34th Floor Boston, MA 02109 617-535-4000 (p) 617-535-3800 (f)</p>	<p>Edward S. Weltman, Esquire Goodwin Proctor LLP 599 Lexington Avenue, 30th Floor New York, NY 10022 212-813-8800 (p) 212-355-3333 (f)</p>
<p>J. Clayton Undercofler, Esquire Saul Ewing LLP Centre Square West, 38th Floor 1500 Market Street Philadelphia, PA 19102 215-972-7777 (p) 215-972-1927 (f)</p>	<p>Karl E. Seib, Jr., Esquire Patterson Belknap Webb & Tyler LLP 1133 Avenue of the Americas New York, NY 10035 212-336-2000 (p) 212-336-2222 (f)</p>
<p>Bruce S. Haines, Esquire Hangley Aronchick Segal & Pudlin, P.C. One Logan Square, 27th Floor Philadelphia, PA 19103-6933 215-568-6200 (p) 215-568-0300 (f)</p>	<p>Ellen A. Presby, Esquire Baron & Budd, P.C. 3102 Oak Lawn Avenue Dallas, TX 75215 214-521-3605 (p) 214-520-1181 (f)</p>
<p>Kip A. Petroff, Esquire Petroff & Associates 3838 Oak Lawn Avenue Dallas, TX 75219 214-526-5300 (p) 214-526-0065 (f)</p>	<p>George M. Fleming, Esquire Fleming & Associates, LLP 1330 Post Oak Boulevard Suite 3030 Houston, TX 713-621-7944 (p) 713-621-9638 (f)</p>

<p>Edward F. Blizzard, Esquire Blizzard, McCarthy & Nabers, LLP 440 Louisiana, Suite 1710 Houston, TX 77017-5001 713-844-3750 (p) 713-844-3755 (f)</p>	<p>Michael J. Miller, Esquire Miller & Associates 105 N. Alfred Street Alexandria, VA 22314 703-519-8080 (p) 703-519-8084 (f)</p>
<p>Robert C. Buck, Esquire Childers, Buck & Schlucter, LLP 260 Peachtree Street, NW Suite 1601 Atlanta, Georgia 30303 404-419-9500 (p) 404-419-9501 (f)</p>	<p>Jerry Alexander, Esquire Alexander & Associates, P.C. L.L.O. Historic Inns of Court Building 619 N. 90th Street Omaha, NE 68114 402-390-9339 (p) 402-390-9383 (f)</p>
<p>Rebecca Arch, Esquire Ashcraft & Gerel, LLP Suite 400 2000 L. Street Washington, D.C. 20036 202-783-6400 (p) 202-416-6392 (f)</p>	<p>Robert E.J. Curran, Esquire Curran & Byrne, P.C. 606 E. Baltimore Pike P.O. Box 30 Media, PA 19063 610-565-4322 (p) 610-565-9531 (f)</p>
<p>Wayne Spivey, Esquire Shrager, Spivey, Sachs & Weinstock Two Commerce Square 32nd Floor Philadelphia, PA 19103 215-568-7771 (p) 215-568-7495 (f)</p>	<p>Abraham C. Reich, Esquire Stephanie Resnick, Esquire Fox, Rothschild, O'Brien & Frankel, LLP 2000 Market Street 10th Floor Philadelphia, PA 19103-3291 215-299-2090 (p) 215-299-2150 (f)</p>
<p>Paul J. Napoli, Esquire Mario D'Angelo, Esquire Hariton & D'Angelo in association with Napoli, Kaiser & Bern, LLP 3500 Sunrise Highway, Suite T-207 Great River, NY 11739 800-683-0852 (p) 212-513-7320 (f) for Mr. Napoli 631-224-9247 (f) for Mr. D'Angelo</p>	<p>Michael Y. Saunders, Esquire Theresa A. Lynn, Esquire Helm, Pletcher, Bowen & Saunders, LLP 2929 Allen Parkway, Suite 2700 Houston, TX 77019 713-522-4550 (p) 713-834-3195 (f)</p>
<p>B. Ray Zoll, Esquire Zoll & Tycksen, L.C. 5300 South 360 West, Suite 360 Murray, UT 84123 801-685-7800 (p) 801-685-7808 (f)</p>	<p>William R. Robb, Esquire Aleshire, Robb & Sivils P.C. 905 St. Louis, Suite 1600 Springfield, MO 65806 417-869-3737 (p) 417-869-5678 (f)</p>

<p>Michael D. Hepperly, Esquire Michael D. Hepperly Law Office, Chtd. 310 W. Central, Suite 103 Wichita, KS 67202 316-267-5330 (p) 316-267-6589 (f)</p>	<p>Richard D. Vandever, Esquire Richard D. Vandever, LLC 9229 Ward Parkway, Suite 107 Kansas City, MO 64114 816-523-2205 (p) 816-523-8258 (f)</p>
<p>W. Dirk Vandever, Esquire The Popham Law Firm, P.C. 323 W. 8th Street Kansas City, MO 64105 816-221-2288 (p) 816-221-3999 (f)</p>	<p>Paul S. Obetz, Esquire Bartimus, Frickleton, Robertson & Obetz, PC 11150 Overbrook Road, Suite 200 Leawood, KS 66211 913-266-2300 (p) 913-266-2366 (f)</p>
<p>Brian K. Balsler, Esquire Brian K. Balsler Co., LPA 5311 Meadow Lane Court, Suite 1 Elyria, OH 44035 440-934-0044 (p) 440-934-0050 (f)</p>	<p>David G. Summers, Esquire Aaron C. Johnson, Esquire 717 Thomas Street Weston, MO 64098 816-640-9940 (p) 816-386-9927 (f)</p>
<p>Lon Walters, Esquire The Oldham Building 105 E. 5th Street Suite 401 Kansas City, MO 64106 816-472-1400 (p) 816-472-4433 (f)</p>	<p>Steve Stewart, Esquire Levin & Krasner, P.C. 500 Summit Tower Eleven Greenway Plaza Houston, TX 77046-1196</p>
<p>William P. Bryan, Esquire 1346 Main Street Baton Rouge, LA 70802</p>	<p>J. Scott Bertram, Esquire The Bertram Law Firm 9229 Ward Parkway, Suite 107 Kansas City, MO 64114 816-523-2205 (p) 816-523-8258 (f)</p>
<p>Timothy M. Bates, Esquire Slakter Law Firm, LLP 7502 Greenville Avenue, Suite 500 Dallas, TX 75231 214- 890-9275 (p) 214-890-9279 (f)</p>	<p>James W. Jeans, Esquire 2619 West 6th Street Suite D Lawrence, KS 66049 785-842-1138 (p) 785-865-2966 (f)</p>
<p>Stephen A. Cor, Esquire Thomas E. Mellon, Esquire Mellon, Webster & Shelly 87 North Broad Street Doylestown, PA 18901 215-348-7700 (p) 215-340-0171 (f)</p>	<p>Scott B. Frenkel, Esquire Frenkel & Frenkel, LLP 5489 Blair Road, Suite 200 Dallas, TX 75231-4150</p>

<p>McKay Chadwell, PLLC 600 University Street Suite 1601 Seattle, WAS 98101</p>	<p>Eric N. Roberson, Esquire The Law Office of Patrick J. Mulligan, P.C. 2911 Turtle Creek Boulevard Suite 900 Dallas, TX 75219 214-219-9779 (p) 214-520-8789 (f)</p>
<p>Michael L. Hodges, Esquire 13420 Sante Fe Trail Drive Lenexa, KS 66215</p>	<p>Kent Clay, Esquire Clay & Crow 12222 Merit Drive, Suite 1710 Dallas, TX 75251 972-980-4081 (p) 972-980-4099 (f)</p>
<p>John E. Williams, Esquire Williams Bailey Law Firm 8441 Gulf Freeway Suite 600 Houston, TX 77017-5001 713-230-2200 (p) 713-643-6226 (f)</p>	

SUPPLEMENTAL SERVICE LIST

<p>John Arthur Eaves, Esquire John Arthur Eaves, Jr., Esquire Eaves Law Firm 105 North State Street Jackson, MS 39201 601-355-7770 (p) 601-355-7776 (f)</p>	<p>Joseph L. Tucker, Esquire K. Stephen Jackson, PC Black Diamond Building 2229 First Avenue North Birmingham, AL 35203 205-252-3535 (p) 205-252-3536 (f)</p>
<p>Merrida Coxwell, Esquire Coxwell & Associates, PLLC 500 State St. Jackson, MS 39201 601-948-1600 (p) 601-948-7097 (f)</p>	<p>Scott McKnight, Esquire Cort DeHart, Esquire Craig Crockett, Esquire McKnight, DeHart & Crockett, LLP 1320 South University Dr., Suite 804 Forth Worth, TX 76107 817-810-0400 (p) 817-810-0499 (f)</p>
<p>Jesse F. Ferrer, Esquire Joe Poirot, Esquire Ferrer, Poirot & Wansbrough, PC 2603 Oak Lawn Ave. Dallas, TX 75219 214-523-0201 (p) 214-522-3804 (f)</p>	<p>Lynn Seithel Jekel, Esquire Motley Rice, LLC 28 Bridgeside Blvd. Mount Pleasant, SC 29464 843-216-9134 (p) 843-216-9430 (f)</p>
<p>Mark Goldberg, Esquire Deborah Kerr, Esquire Goldberg & Osborne 915 West Camelback Rd. Phoenix, AZ 85013 602-234-1111(p) 602-808-6799 (f)</p>	<p>James A. Morris, Jr., Esquire Provost & Umphrey LLP P.O. Box 4905 Beaumont, TX 77704 409-835-6000 (p) 409-838-8612 (f)</p>

<p>C. L. Mike Schmidt, Esquire The Schmidt Firm 8401 North Central Expressway, Suite 880 Dallas, TX 75225 214-521-4898 (p) 214-521-9995 (f)</p>	<p>James D. Shannon, Esquire Renee C. Harrison, Esquire Cheryl M. Lang, Esquire Elise B. Munn, Esquire Shannon Law Firm, PLLC 100 West Gallatin St. Hazlehurst, MS 39083 601-894-2202 (p) 601-894-5033 (f)</p>
<p>Thomas N. Thurlow, Esquire Robert Barringer, Esquire Thurlow & Associates, PC 2300 Lyric Centre Building 440 Louisiana St., Suite 1200 Houston, TX 77002 713-224-2057 (p) 713-237-0184 (f)</p>	<p>Carroll Ingram, Esquire Ingram & Associates, PLLC 211 South 29th Avenue Hattiesburg, MS 39401 601-261-1385 (p) 601-261-1393 (f)</p>
<p>Schlichter, Bogard & Denton 100 South 4th Street, Suite 900 Saint Louis, MO 63102 314-621-6115 (p) 314-621-7151 (f)</p>	<p>Franklin D. Azar & Associates 14426 East Evans Avenue Aurora, CO 80014 303-757-3300 (p) 303-757-3206 (f)</p>
<p>Steven L. Friedman, Esquire John J. Higson, Esquire Dilworth Paxson, LLP 3200 Mellon Bank Center 1735 Market Street Philadelphia, PA 19103 215-575-7000 (p) 215-575-7200 (f)</p>	<p>Mark A. Buck, Esquire Fairchild & Buck, PA 5851 S.W. 29th Street Topeka, KS 66614 785-235-2200 (p) 785-235-8950 (f)</p>
<p>Mike O'Brien, PC 1330 Post Oak Boulevard, Suite 2960 Houston, TX 77056 713-222-0088 (p) 713-222-0888 (f)</p>	<p>Michael P. McGartland, Esquire McGartland & Borchardt University Center 1, Suite 500 1300 South University Drive Fort Worth, TX 76107 817-332-9300 (p) 817-332-9301 (f)</p>

<p>Gary D. McCallister & Associates 29 South LaSalle Street, Suite 1210 Chicago, IL 60603 312-345-0611 (p) 312-345-0612 (f)</p>	<p>Ronald M. Meneo, Esquire Early, Ludwick, Sweeney, LLC. One Century Tower 265 Church Street, 11th Floor P.O. Box 1866 New Haven, CT 06508-1866 203-777-7799 (p) 203-785-1671 (f)</p>
<p>Kimberly L. Woodland, Esquire Love, Willingham, Peters, Gilleland & Manyak, LLP Bank of America Plaza 600 Peachtree Street NE, Suite 2200 Atlanta, GA 30308 404-607-0100 (p) 404-607-0465 (f)</p>	<p>Riley L. Burnett, Jr., Esquire Johnson, Burnett & Chang, LLP 5005 Roverway, Suite 250 Houston, TX 77056-3017 713-626-9336 (p) 713-626-3394 (f)</p>
<p>A. Craig Eiland, PC 2423 Market Street, Suite 1 Galveston, TX 77550 409-763-3260 (p) 409-763-8154 (f)</p>	<p>Fibich, Hampton, Leebron & Garth, LLP 1401 McKinney, Suite 1800 Houston, TX 77010 713-751-0025 (p) 713-751-0030 (f)</p>
<p>Euler Law Offices, LLP 137 S. Main P.O. Box 326 Troy, KS 66087 785-985-3561 (p) 785-985-2322 (f)</p>	<p>Barker, Leon, Fancher, & Matthys, LLP 555 North Carancahua, Suite 1200 Tower II Corpus Christi, TX 78478 361-881-9217 (p) 361-882-9437 (f)</p>
<p>Cynthia K. Garrett, Esquire Cynthia K. Garrett Law Firm P.O. Box 9250 Tulsa, OK 74157 918-584-0070 (p) 918-584-4342 (f)</p>	<p>Tony Martinez, Esquire Martinez, Barrera y Martinez, LLP 1201 East Van Buren Brownsville, TX 78520 956-546-7159 (p) 956-544-0602 (f)</p>

<p>Kcith M. Jensen, Esquire Law Offices of Kcith M. Jensen, PC 2929 Morton Street Fort Worth, TX 76107 817-334-0762 (p) 817-334-0110 (f)</p>	<p>Paul K. Loyacono, Esquire Verhine & Verhinc, PLLC 1015 Adams Street Vicksburg, MS 39181 601-638-8282 (p) 601-638-8296 (f)</p>
<p>O'Quinn, Laminack & Pirtle 2300 Lyric Centre Building 440 Louisiana Street Houston, TX 77002 713-223-1000 (p) 713-222-6903 (f)</p>	<p>Davis, Saperstein & Solomon, P.C. 375 Cedar Lane Teaneck, NJ 07666 201-907-5000 (p) 201-692-0444 (f)</p>
<p>Randall W. Morley, Esquire The Law Offices of Randall W. Morley 315 North Broadway North Little Rock, AK 72114 501-372-4314 (p) 501-375-3045 (f)</p>	<p>Michael Heygood, Esquire Heygood, Orr & Reyes, LLP 909 Lake Carolyn Parkway, 17th Floor Irving, TX 75039 817-633-2800 (p) 817-633-3988 (f)</p>
<p>David Siegel, Esquire Susman Godfrey 1000 Louisiana St, Suite 5100 Houston, TX 77002-5096 713-653-7806 (p) 713-654-3376 (f)</p>	<p>N. Albert Bacharach, Jr., Esquire Law Offices of N. Albert Bacharach, Jr., Esquire 115 NE 6th Ave. Gainesville, Florida 32601-3416 (352)378-9859 (p)</p>