

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

SHEILA BROWN, SHARON GADDIE,
VIVIAN NAUGLE, QUINTIN LAYER, and
JOBY JACKSON-REID
Individually and all others similarly situated,

Civil Action No. 99-20593

Plaintiffs,

v.

AMERICAN HOME PRODUCTS CORPORATION,

Defendant.

COURT APPROVED PROCEDURE NO. 3

(Authorizing steps to be taken by AHP Settlement Trust and Class Counsel
regarding assistance to pro se claimants)

AND NOW, this 15th day of November, 2001, the Court makes the following
findings upon representation of the AHP Settlement Trust (the "Trust"), upon Motion of the AHP
Settlement Trust and with the concurrence of the Parties, and enters the following Order:

FINDINGS OF FACT

1. A substantial number of Diet Drug Users and their representatives have
submitted claims for benefits from the Trust in propria persona. The Trust has had experience
with pro se claimants which leads to the belief that there are pro se claimants who may have
meritorious claims but who have been unable to complete their claims as required by the
Settlement Agreement because of difficulties that these claimants are having in getting

completed Forms from medical experts or in obtaining documents from health care providers, pharmacies or others.

2. It is the view of the Claims Administrator of the Trust that some of these pro se claimants will be unable to complete their claims on their own, that some of these pro se claimants would benefit from assistance of counsel in obtaining records and claim Forms and in other matters, that assistance of counsel will in some cases lead to recovery of benefits that might not be recovered in the absence of assistance of counsel, and that assistance of counsel would be conducive to the interests of fair, just, speedy and economical determinations of the claims. The Trust, as the entity that decides on the merits of claims, is not in a position to direct or assist claimants in obtaining medical claim Forms, and may not in other cases be in a position to advocate or solve problems for pro se claimants who have difficulty obtaining medical or other documentation of certain facts or conditions.

3. Class Counsel is well equipped to provide assistance of this nature to pro se claimants, provided that the pro se claimants also know that they are permitted to retain counsel of their own choosing to provide assistance of this nature and other legal assistance

4. American Home Products Corporation and Class Counsel are not opposed to entry of the following Order on the basis of the Findings of Fact set forth herein.

ORDER

1. When the Trust determines that a pro se claimant is likely to be unable to complete a claim without assistance, would benefit from assistance of counsel and is likely to be prejudiced as a result of absence of assistance of counsel, the Trust shall notify the pro se claimant of the information set forth in Paragraph 2 of this Order. The Trust's determinations on

this point are to be made upon reasoned exercise of discretion, and are not intended to be the subject of any review.

2. Upon the making of this determination, the Trust shall inform the pro se claimant that the pro se claimant may choose his or her counsel or that the pro se claimant may seek the services of Class Counsel. The Trust shall inform Class Counsel that it has so informed the claimant and shall identify to Class Counsel the claimant with respect to whom the determination has been made.

3. If the pro se claimant who is the subject of such a determination seeks the assistance of Class Counsel after such a determination is made, then Class Counsel shall take reasonable steps to complete the claim in question and present it to the Trust. In so doing, Class Counsel shall not be deemed to have formed any attorney-client relationship which commits or authorizes Class Counsel to take further action, including but not limited to arguing the merits of the claim in question, advising the claimant as to whether or not to contest a Tentative Determination, advising the claimant whether or not to seek review of a Final Determination, advising the claimant about any Opt-Out rights, advising the claimant about any rights the claimant may have against any person or entity not a party to the Settlement Agreement, advising any claimant about disposition of or taxation against or liens with respect to any recovery of benefits, or pursuit of any contests, reviews or claims that may arise as a result of ingestion or purchase of any Diet Drugs. The actions of Class Counsel pursuant to this Order shall be limited to steps to complete the claim in question and present it to the Trust. All information regarding any Class member obtained by Class Counsel as a result of this Order shall be kept confidential and shall be used solely for that purpose.

