

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

FILED

DEC 19 2003

MICHAEL E. KUNZ, Clerk
By _____ Dep. Clerk

SHEILA BROWN, et al. v. AMERICAN)
HOME PRODUCTS CORPORATION)

CIVIL ACTION No. 99-20593

COURT APPROVED PROCEDURE NO. *36 JB*

(Reimbursement for Additional Medical Services)

AND NOW, this 19 day of December, 2003, upon representation of the AHP Settlement Trust (the "Trust") and with the concurrence of the Parties to the Nationwide Class Action Settlement Agreement with American Home Products Corporation, dated November 18, 1999, as amended (the "Settlement Agreement"), the Court makes the following findings and enters the following Order:

FINDINGS OF FACT

1. Sections IV.A.1.c, IV.A.2.c and IV.A.4.b of the Settlement Agreement requires the Trust to provide certain Additional Medical Services or Cash to qualified Class Members.
2. A small number of qualified Class Members have elected and are likely to continue to elect to receive Additional Medical Services rather than Cash as a benefit pursuant to these provisions of the Settlement Agreement. In cases where qualified Class Members so elect, the Settlement Agreement does not limit the time within which they must avail themselves of the services they may receive.

3. Because only a small number of Class Members are likely to receive Additional Medical Services, because they may receive them over a protracted period of time, and because these Class Members are spread over a wide geographic area, it would be a substantial administrative burden for the Trust to maintain a network of physicians to provide the benefits in question. The cost of doing so would be unduly large in light of the value of the benefits to be provided.

4. Wyeth 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. The Trust may provide the benefit of Additional Medical Services to qualified Class Members by: (a) reimbursing qualified Class Members for out of pocket expenses they incur in obtaining Additional Medical Services; or (b) paying reasonable amounts to health care providers who are not contractors of the Trust upon receipt of proof that those health care providers have rendered such Additional Medical Services and that payment for those Additional Medical Services is not collectible from third party payors. The Trust shall, in consultation with the Parties, establish procedures for doing so and shall inform qualified Class Members of those procedures.

2. Provision of the benefit of Additional Medical Services by the methods described above in paragraph 1 shall relieve the Trust of any obligation to provide the benefit of Additional Medical Services through health care providers who are employees or contractors of the Trust.

3. Capitalized terms used in this Court Approved Procedure shall have the same meaning as corresponding capitalized terms used in the Settlement Agreement.

BY THE COURT:


