

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

COURT APPROVED PROCEDURE NO. 8

(Reporting Requirements of the AHP Settlement Trust)

AND NOW, on the date set forth in the accompanying Pretrial Order No. 5398, in accordance with the Nationwide Class Action Settlement Agreement and the agreement of Class Counsel and Wyeth, it is hereby ORDERED as follows:

1. **Reporting Requirements.** The Trust is relieved of the reporting provisions of Section VI.A.10 [pp. 75-84] of the Settlement Agreement.
2. **Audit of the Settlement Fund and Security Fund.** On an annual (calendar year) basis, the Trust shall cause an audit to be performed by a Certified Public Accountant upon the calendar year financial statements of each of the following (each financial statement being prepared in accordance with generally accepted accounting principles) and shall issue to Class Counsel, Wyeth, and the Court a report stating the result of each such audit:
 - (a) The Trust;
 - (b) The Settlement Fund;
 - (c) The Security Fund; and
 - (d) Each escrow account then in effect under the Settlement Agreement (including, as to the Security Fund Escrow Account, the amounts transferred from the Security Fund upon any Uncured Failure to Make Payment).
3. **Monthly Report on Claims Administration.** No later than the last day of each calendar month, the Trust shall prepare and furnish to Class Counsel, Wyeth, and the Court a report, as of the last day of the preceding month, on the operations of the Trust for the prior



month in the format set forth in the Operations Plan and approved in PTO No. 3185.

4. *Monthly Report on Trust Assets and Expenses.* The monthly report required in Section 3 shall also state, as of the last day of the preceding month:

- (a) the amount of cash and other liquid assets held by the Trust in the Settlement Fund;
- (b) all income and other receipts (other than deposits by Wyeth) of the Trust during the month reported upon;
- (c) amounts deposited by Wyeth into the Settlement Fund during the month reported upon;
- (d) the total amount of Fund A benefits paid by the Trust and amounts paid to administer Fund A benefits, with expenses allocated between Fund A benefits and Matrix Compensation Benefits in an appropriate manner;
- (e) the total amount of Matrix Compensation Benefits paid by the Trust and amounts paid to administer Matrix Compensation Benefits, with expenses allocated between Fund A benefits and Matrix Compensation Benefits in an appropriate manner;
- (f) if the Seventh Amendment obtains Final Judicial Approval, the total amount of Category Two Benefits paid by the Trust and expenses to administer Category Two Benefits, with such expenses allocated between Fund A benefits and Matrix Compensation Benefits in such proportion as the Trust shall, in its sole discretion, determined to be appropriate;
- (g) the Maximum Available Fund B Amount;
- (h) amounts paid by the Trust in administrative expenses during the month reported upon, stated by category in the Trust's annual budget, and any other disbursements made by the Trust (other than in benefits to Class Members) during the month reported upon, with all such expenditures allocated appropriately among expenses attributable to: (i) Fund A benefits; (ii) Matrix Compensation Benefits; (iii) Category Two Benefits.

For each item reported, the report shall show changes in each item since the preceding report and changes in each item cumulatively for the calendar year through the month reported upon.


5. *Matrix Payment Amounts.* No later than January 5 of each calendar year, the Trust shall prepare and furnish to Class Counsel, Wyeth, and the Court a report stating the amount of payment in each cell of the Matrix Compensation Benefits payment matrices to reflect the two percent annual increase in such payment amounts pursuant to Section IV.C.3 [p. 54] of the Settlement Agreement.

6. *Public Filing of Reports.* The reports and other filings required by this Court-

Approved Procedure shall be filed with the Clerk of the Court and served on the parties. Posting on the official Trust website, www.settlementdietdrugs.com, promptly after filing shall be sufficient as service of a printed copy of such reports and filings.

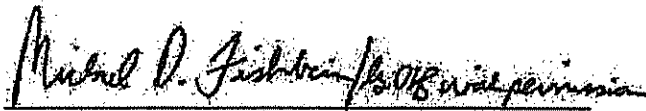
7. *Duration of Procedure.* The reporting requirements imposed by this Court-Approved Procedure shall remain in effect until further order of this Court.

BY THE COURT


Bartle, Harvey J.

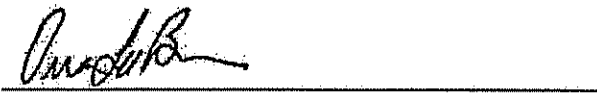
AGREED TO:

CLASS COUNSEL:



Michael D. Fishbein, Esquire
Levin, Fishbein, Sedran & Berman
510 Walnut Street, Suite 500
Philadelphia, PA 19106

WYETH



Orran L. Brown
BrownGreer PLC
115 S. 15th Street, Suite 400
Richmond, Virginia 23219

AHP SETTLEMENT TRUST

By: _____

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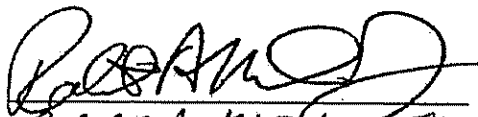
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By:


ROBERT A. MITCHELL, JR.
EXECUTIVE DIRECTOR