

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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|-----------------------------|---|---------------------------|
| IN RE: DIET DRUGS | : | MDL DOCKET NO. 1203 |
| (PHENTERMINE, FENFLURAMINE, | : | |
| DEXFENFLURAMINE) PRODUCTS | : | |
| LIABILITY LITIGATION | : | |
| THIS DOCUMENT RELATES TO: | : | |
| _____ | : | |
| SHEILA BROWN, et al. | : | |
| v. | : | |
| AMERICAN HOME PRODUCTS | : | |
| CORPORATION | : | CIVIL ACTION NO. 99-20593 |
| _____ | : | |

PRETRIAL ORDER NO. 2806

AND NOW, this 26th day of March, 2003, after a hearing to discuss objections to the proposed Court Approved Procedure concerning Credentials of Auditing Cardiologists, it is hereby ORDERED that said Court Approved Procedure, as further revised by the Court and attached as Exhibit A, is APPROVED as Court Approved Procedure No. 5.

BY THE COURT:

Lawrence Bartle
J.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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|---|---|---------------------------|
| IN RE DIET DRUGS (Phentermine/Fenfluramine/ Dexfenfluramine) PRODUCTS LIABILITY LITIGATION | : | MDL Docket No. 1203 |
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| 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. 5
(Credentials of Auditing Cardiologists)**

AND NOW, on the date set forth in the accompanying Pretrial Order No. 2806, it is hereby ORDERED as follows:

1. Each Auditing Cardiologist shall be an independent Board-Certified Cardiologist, or Board-Certified Cardiothoracic Surgeon, with Level 3 training in Echocardiography.

2. When necessary to sustain the optimal number of Auditing Cardiologists for the purpose of conducting audits, the Trust may engage Board-Certified Cardiologists and Board-Certified Cardiothoracic Surgeons who have been certified by the National Board of Echocardiography in Transthoracic Echocardiography and have completed Level 2 training in Echocardiography. Absent Court approval, no person shall serve as an Auditing Cardiologist if

that person is a Trustee of the Trust, has served as an Attesting Physician in more than ten Claims, or would be disqualified from serving as a Trustee under the provisions of Section VI.A.4.b of the Settlement Agreement. If an Auditing Cardiologist has been an Attesting Physician on a Claim, he/she may not review that Claim in Audit. These Board-Certified Cardiologists and Board-Certified Cardiothoracic Surgeons have sufficient skill, training, knowledge, experience and expertise to perform the audits required by this Court and the Settlement Agreement.

3. Capitalized terms appearing in this Order that also appear in the Settlement Agreement or the Rules for the Audit of Matrix Compensation Claims shall be deemed to have been defined, for the purposes of this Order, in the same way as they are defined in those documents.