

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

IN RE DIET DRUGS)	
(PHENTERMINE/FENFLURAMINE/ DEXFENFLURAMINE) PRODUCTS)	MDL No. 1203
LIABILITY LITIGATION)	
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SHEILA BROWN, <i>et al.</i> v. AMERICAN)	
HOME PRODUCTS CORPORATION, <i>et al.</i>)	CIVIL ACTION No. 99-20593
)	
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PRETRIAL ORDER NO.

AND NOW, this _____ of ____ 2008, upon consideration of the Trust's proposed plan for the partial refund of amounts previously withheld from Class Members or Counsel for Class Members in the manner provided by Sections VIII.E.1.b and VIII.E.1.c of the Settlement Agreement ("Refund Plan"), it is hereby Ordered that the said Refund Plan attached as Exhibit A hereto, is approved by the Court.

BY THE COURT:

C. J.

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FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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)	

**AHP SETTLEMENT TRUST’S PLAN FOR THE
PARTIAL REFUND OF AMOUNTS PREVIOUSLY WITHHELD FROM
UNREPRESENTED CLASS MEMBERS OR COUNSEL FOR CLASS MEMBERS
FOR FUND B ATTORNEYS FEES**

I. BACKGROUND AND INTRODUCTION

Pursuant to Section VIII.E.1.b of the Settlement Agreement, 9% of all Matrix Benefits paid by the Trust were withheld from Plaintiffs’ attorneys or Class Members, to fund the payment of Class Counsel and Common Benefit Attorneys. On April 9, 2008, the Court entered Pretrial Order No. 7763A which, together with it’s interim award under PTO 2859, represents 6.3947% of the total Fund B Amount. PTO 7763A, among other things, directed the Trustee of the AHP Settlement Trust to partially refund amounts previously withheld from Class Members or Counsel, after payment of the award of Fund B Attorneys’ Fees. The refund will amount to 2.6053% of previously paid matrix payments. The Court further directed the Trustee to submit a plan for the refund of these monies. The following proposed Refund Plan is respectfully submitted pursuant to said directive. Attached as Exhibit 1 to the following proposed Refund Plan is a

schedule identifying the amounts initially determined to be refundable to unrepresented Class Members, Derivative Claimants and Attorneys for Class Members (collectively referenced herein as “Refund Recipients”) based upon the Gross Matrix Benefit previously paid multiplied by 2.6053%.

II. REFUND PLAN

A. Threshold for Payment to Refund Recipients

To conserve administrative cost, no refund will be issued to any Refund Recipient where the Trust has determined that the amount of partial refund (“Payment”) would be less than \$25.00.

B. Trust Procedures Prior to Court Approval of the Refund Plan for update of Contact Information:

1. For all Pro Se Claimants and Derivative Claimants identified on Exhibit 1 as Refund Recipients, the Trust has mailed a letter, substantially in the form attached as Exhibit 2, to confirm or elicit the Class Member’s current contact information.

a.) For any Claimant or Derivative Claimant who does not respond to the Trust’s Contact Information Letter (Exhibit 2), the Trust will employ its normal search procedures in order to obtain current contact information. The Trust’s normal search procedures include, but are not limited to reexamining the Claimant’s file to obtain alternative contact information; making queries via the internet to ascertain current telephone number of payee; posting a listing of uncashed benefit checks on the AHP Diet Drug Settlement Website,

and performing such other search procedures as The Trustee/Claims Administrator deems appropriate under the circumstances.

C. Within ten (10) business days after the entry of an Order by the Court approving the Refund Plan, the Trust will provide a Notice of Partial Refund Amount to Refund Recipients as follows:

1. Pro Se Claimants

- a.) The Trust will send a letter, substantially in the form attached as Exhibit 3, to all Pro Se Claimants entitled to refunds meeting the threshold set forth above, informing them of the amount of their refund. Included with this letter will be a Subrogation Form (Exhibit 3a), which all Pro Se Claimants will be required to complete prior to receiving their refund.
- b.) All Pro Se Claimants subject to Court Approved Procedure 10 (“CAP 10”) (PTO 6085), will also receive a copy of “Certificate of Exemption From Medicare Procedure” (Exhibit 4.) and be afforded the opportunity to claim exemption pursuant to that procedure.
- c.) For any Pro Se Claimant subject to CAP 10 who does not timely complete the exemption certificate, the Trust will notify Medicare as required by CAP 10 concerning the payment to be made as a result of the partial refund.

2. Counsel for Class Members

Each attorney identified as a Refund Recipient will receive a letter, substantially in the form attached as Exhibit 5, informing counsel of the amount of the refund. Included with this form will be IRS form W-9 (Exhibit 6) and a "Counsel Certification Form" (Exhibit 7). Any attorney who does not complete and return IRS form W-9 will, as required by Treasury Department regulations, have 28% of their refund withheld by the Trust and remitted to the IRS.

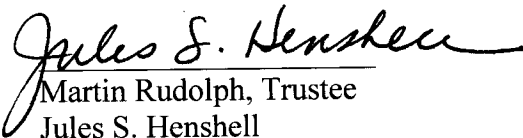
a.) All attorney-Refund Recipients must complete and return the Counsel Certification Form in order to be eligible to receive their refund.

D. Within Ninety (90) days after entry of the order approving the Refund Plan, the Trust will:

a.) Mail refunds via UPS Ground to all Refund Recipients who have completed and returned the requested forms to the Trust except those who do not meet the threshold for payment.

b.) Thereafter, the Trust will mail refunds, semi-monthly to Refund Recipients who have satisfied the documentation requirements set forth in this Refund Plan.

Respectfully Submitted,


Martin Rudolph, Trustee
Jules S. Henshell
AHP Settlement Trust
555 North Lane, Suite 6045
Conshohocken, PA 19148
610.729.7927

Date: May 8, 2008

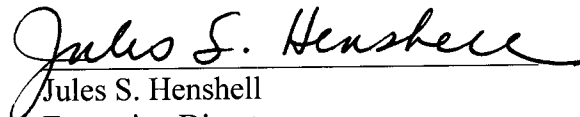
CERTIFICATE OF SERVICE

Jules S. Henshell hereby certifies that on May 8, 2008, he caused a true and correct copy of the AHP Settlement Trust's Plan For The Partial Refund of Amounts Previously Withheld From Unrepresented Class Members or Counsel For Class Members For Fund B Attorneys Fees, to be filed with and made available for viewing and downloading on the Court's ECF system and to be further served by first-class mail upon the following:

Arnold Levin, Esquire
Michael D. Fishbein, Esquire
Levin, Fishbein, Sedran & Berman
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Jules S. Henshell
Executive Director
AHP Settlement Trust