

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

IN RE DIET DRUGS (Phentermine/
Fenfluramine/Dexfenfluramine) : MDL Docket No. 1203
PRODUCTS LIABILITY LITIGATION :
: :
: :
THIS DOCUMENT RELATES TO: :
ALL ACTIONS :
: :
:

PRETRIAL ORDER NO. 5402
(Procedure for State Court Judicial Advisory Committee
to Recommend Award of Counsel Fees to State Court Attorneys)

In order to comply with the terms of the Nationwide Class Action Settlement Agreement with American Home Products as amended, which require the Court to consult with and give substantial deference to the views of the State Court Judicial Advisory Committee concerning the actual contribution which was made to the overall resolution of the litigation by the attorneys with whom the members of the committee are familiar, it is on this 1st day of July, 2005, hereby

ORDERED, ADJUDGED AND DECREED that:

1. Within ten days of the entry of this Order, Lead Class Counsel shall cause a copy of this Order to be served on the judges in their respective states who were previously appointed pursuant to PTO 1014 to the State Court Judicial Advisory Committee.

2. The State Court Judicial Advisory Committee is requested to meet as soon as practicable with lead counsel appointed in the class actions certified in the states of

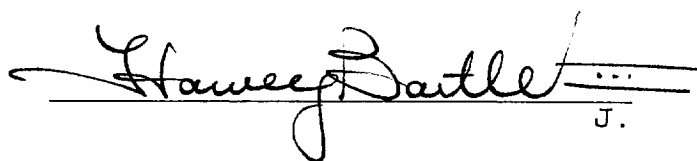
Illinois, New Jersey, New York, Pennsylvania, Texas and West Virginia for the purpose of formulating a plan, procedure and timetable for providing this Court with the Committee's views as to the actual contribution that was made to the overall resolution of the litigation by the attorneys with whom the members of the Committee are familiar.

3. On or before August 31, 2005, lead counsel for the certified state class actions shall provide a status report to the Court concerning the Committee's plan and timetable for providing its views.

4. Prior to making any further award of counsel fees, the Court shall consult with and give substantial deference to the views of the State Court Judicial Advisory Committee.

5. All costs and expenses incurred by the members of the Committee shall be promptly reimbursed as administrative expenses of the Settlement Trust.

BY THE COURT:

A handwritten signature in cursive script, reading "Hawsep Baitle", is written over a horizontal line. To the right of the signature, there are three dots above a horizontal line, and the letter "J." below it.