

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

**IN RE: DIET DRUGS (*Phentermine/
Fenfluramine/Dexfenfluramine*) PRODUCTS
LIABILITY LITIGATION**

MDL DOCKET NO. 1203

This Document Relates to:

SHEILA BROWN, et al,

Plaintiffs,

v.

Civil Action No. 99-20593

**AMERICAN HOME PRODUCTS
CORPORATION,**

Defendant.

AMENDED AND FINAL CATEGORY ONE CLASS LIST

Pursuant to Section XIV.D of the Seventh Amendment to the Nationwide Class Action Settlement Agreement, Class Counsel, Wyeth, the Seventh Amendment Liaison Committee, and the Seventh Amendment Fund Administrator have compiled the Amended and Final Category One Class List. The following is a description of the Amended and Final Category One Class List and the manner in which it shall be published.

**I. EXPLANATION OF THE AMENDED AND
FINAL CATEGORY ONE CLASS LIST**

The parties reviewed the materials received through or postmarked by November 9, 2004 (the end of the Seventh Amendment Opt-Out/Objection Period) from Class Members seeking

inclusion in Category One, and the data and scanned images available in the Trust's claims database on the materials it has received, to identify the Class Members who qualify as Category One Class Members. The Amended and Final Category One Class List identifies those Class Members who appear to be Category One Class Members, in three parts:

- (1) **Part 1: The Initial Category One Class List:** The first part consists of the Initial Category One Class List compiled under Section XIV.A of the Seventh Amendment and posted on the Trust's website under Section XIV.C of the Seventh Amendment on September 7, 2004, updated to reflect those who opted out of the Seventh Amendment. The Initial Category One Class List has been sub-categorized to show the DDR numbers for the Class Members who appear to have exercised a Seventh Amendment Opt-Out that has not been revoked, and the DDR numbers for the Class Members who remain in Category One.
- (2) **Part 2: The Supplemental Category One Class List:** The second part consists of the Supplemental List, which identifies the DDR numbers for the Class Members whose claim numbers did not appear on the Initial Category One Class List, but who appear, from the materials furnished by the Class Members and those on file with the Trust, to have submitted a timely Green Form asserting a claim for Matrix Compensation Benefits on Matrix Levels I or II and who were not otherwise excluded from membership in Category One under the Seventh Amendment, and thus shall now be considered to be Category One Class Members on the Amended and Final Category One Class List.
- (3) **Part 3: The Provisional Category One Class List:** The third part consists of a Provisional List, which identifies the DDR numbers for the Class Members whose claim numbers did not appear on the Initial Category One Class List, but who appear, from the materials furnished by the Class Members and those on file with the Trust, to have submitted a timely Green Form asserting a claim for Matrix Compensation Benefits on Matrix Levels I or II and who were not otherwise excluded from membership in Category One under the Seventh Amendment, but who also have another Green Form on file with the Trust that the Trust has processed to some extent, but that claim has not been concluded. Such Class Members shall be considered Category One Class Members if the processed Green Form is finally denied without payment of any Matrix Compensation Benefits, or the Class Member withdraws that Green Form to pursue the claim as a Category One Class Member instead. If the Class Member is paid any Matrix Compensation Benefits on the processed claim, such Class Member shall not be eligible to be a Category One Class Member. This Provisional Category One List also includes certain Class Members who appear to have submitted a form asserting a claim on Matrix Level I or II but on which the parties have not resolved all issues relating to the inclusion of the claim on the Category One List in the Trust data.

The parties shall cause the Trust to post the Amended and Final Category One Class List in its three parts on the Trust's official settlement website. In addition, the parties shall post the list on the MDL 1203 website and the BrownGreer PLC website, and shall mail letters to each Class Member who did not appear on the Initial Category One Class List posted on the Trust's website on September 7, 2004, who has sought inclusion in Category One notifying the Class Member of the determination made on that request.

II. PROCEDURES REGARDING THE AMENDED AND FINAL CATEGORY ONE CLASS LIST

The Amended and Final Category One Class List represents the best efforts of the parties, working within the limitations and complexities of the Trust database and scanned images, to identify those persons who qualify for membership in Category One. In addition, the listing of a Class Member's DDR number on the Amended and Final Category One Class List does not imply that the Class Member ultimately will qualify for review or benefits as a Category One Class Member, all of which depend upon other eligibility requirements. Any Class Member who feels that his or her claim has been omitted from the Amended and Final Category One Class List in error, or has any questions about or objections to the List of any kind, shall, not later than 45 days from the date of this report, transmit them to the parties, to be addressed as follows:

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The parties will respond to all such inquiries.

WYETH

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Dated: March 9, 2005

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Dated: March 9, 2005

SEVENTH AMENDMENT LIAISON COMMITTEE

By: 

Wayne Spivey, Chairman
SHRAGER, SPIVEY & SACHS
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Dated: March 9, 2005

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing Amended and Final Category One Class List was filed electronically this _____ day of March, 2005, and is available for viewing and downloading from the ECF System of the United States District Court for the Eastern District of Pennsylvania.

The undersigned further certifies that a true and correct copy of the foregoing document was served this _____ day of March, 2005 by first-class mail, postage prepaid, on all counsel identified on the attached Service List and Supplemental Service List.

Date: March _____, 2005