

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

_____)	
IN RE DIET DRUGS)	
(Phentermine/Fenfluramine/Dexfenfluram)	MDL NO. 1203
ine) PRODUCTS LIABILITY)	
LITIGATION)	
_____)	
THIS DOCUMENT RELATES TO:)	
)	
SHEILA BROWN, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 99-20593
)	
AMERICAN HOME PRODUCTS)	
CORPORATION,)	
)	
Defendant.)	
_____)	

**SUPPLEMENT TO THE JOINT MOTION TO APPROVE
ELEVENTH AMENDMENT TO THE SETTLEMENT AGREEMENT**

On June 14, 2023, Wyeth and Class Counsel filed a Joint Motion to Approve the Eleventh Amendment to the Nationwide Class Action Settlement with American Home Products. As contemplated by the Eleventh Amendment, the Parties submitted a proposed form of Order providing that upon approval of the Amendment the current Trustee for the AHP Settlement Trust, Martin Rudolph, would be discharged from his duties and afforded “qualified judicial immunity” in connection with his

service. That form of Order was appended as Exhibit “4” to the Eleventh Amendment.

After a conference with the Court on July 11, 2023, the Parties recognized that the protections against liability that Mr. Rudolph would be entitled to upon the termination of his service as Trustee are contemplated by the provisions of Section 4.15 of the Amended and Restated AHP Settlement Trust Agreement rather than the concept of qualified judicial immunity. Therefore, the Parties have revised the proposed form of Order appended as Exhibit “4” to the proposed Eleventh Amendment and submit the revised form of Order attached hereto in lieu of the one previously submitted to the Court to effectuate District Court Approval of the Eleventh Amendment.

Respectfully submitted,

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Date: July 20, 2023

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Date: July 20, 2023

/s/ Michael D. Fishbein

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1706 Rittenhouse Square
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Philadelphia, PA 19103

Date: July 20, 2023

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PRETRIAL ORDER NO. _____

(Approval of the Eleventh Amendment to the Settlement Agreement)

AND NOW, this ___ day of _____, 2023, upon consideration of the Joint Motion to Approve Eleventh Amendment to the Settlement Agreement, it is hereby ORDERED that the Joint Motion is GRANTED. Accordingly, it is further ORDERED:

1. ***Approval of the Eleventh Amendment.*** The Eleventh Amendment attached to this Order as Exhibit A is approved in its entirety.

2. ***Appointment of the Claim Administrator.*** Pursuant to the agreement and nomination by the Parties and for good cause shown, BrownGreer PLC is appointed the Claim Administrator of the Settlement Agreement pursuant to the joint nomination of the Parties. Wyeth has informed Class Counsel and the Court that Brown Greer will withdraw as counsel for Wyeth prior to assuming the duties as Claim Administrator. Its appointment as Claim Administrator will become effective upon the filing of papers effecting such withdrawal.

3. ***Implementation of the Eleventh Amendment.*** Class Counsel, Wyeth, the Claim Administrator, and the AHP Settlement Trust are authorized and directed to proceed with the implementation of the Eleventh Amendment in accordance with its terms.

4. ***Termination of Trust.*** The AHP Settlement Trust is terminated. The implementation of the Settlement Agreement will be governed by the terms of the Eleventh Amendment.

5. ***Vacating of PTO No. 1823.*** PTO No. 1823 is vacated as moot and no longer necessary. Any funds remaining in the PTO No. 1823 Reserve will be considered part of the Settlement Fund and available to pay claims and costs of administration of the Settlement Agreement.

6. *Vacating of Previous Court Approved Procedures and Orders.* Court Approved Procedures 1 through 16 and the Orders approving them (Pretrial Order Nos. (“PTO”) 1718, 2805, 2806, 5983, 6085, 6100, 6707, 6999, 7688, 8559, and 9103), and PTO 16, PTO 1164, paragraph 3 of PTO 5400, and paragraph 7 of PTO 7763A are vacated as no longer applicable or as superseded by the terms of the Eleventh Amendment.

7. *Posting of this Order.* The Parties are to cause a copy of this Order to be posted on the official website of the AHP Settlement Trust and on the website established by the Claim Administrator, www.dietdrugsettlementprogram.com.

8. *Retained Exclusive Jurisdiction.* Without affecting the finality of this Order in any way, the Court retains original and exclusive jurisdiction over the interpretation, implementation, and enforcement of this Order incident to its retained jurisdiction under Section VIII.B.1 of the Settlement Agreement and Paragraph 11 of PTO No. 1415 entered by the Court on August 28, 2000.

BY THE COURT:

Harvey Bartle III, J.

