

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

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

**PRETRIAL ORDER NO.** 9558

**(Approval of the Eleventh Amendment to the Settlement Agreement)**

AND NOW, this 28th day of August, 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6999, 7688, 8559, and 9103), and PTO 16, PTO 1164, paragraph 3 of PTO 5400, and paragraph 7 of PTO 7763A are vacated as no longer applicable or as superseded by the terms of the Eleventh Amendment.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](http://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:

/s/ Harvey Bartle III

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Harvey Bartle III, J.