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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 :
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PRETRIAL ORDER NO. 2152

This Order is to clarify further Pretrial Orders Nos. 467 and 517, as they relate to the 9% assessment against payments made by the defendants to settle claims or to satisfy judgments (collectively referred to as "Claim Payments") in actions subject to coordinated pretrial proceedings in MDL 1203. Defendants are required to withhold 9% from the gross amount of each Claim Payment for deposit into the MDL 1203 Fee and Cost Account. Upon receipt of the balance of the Claim Payment, a plaintiff's attorney is required to determine the amount owed to the attorney under the terms of his or her retention agreement and reduce the amount owed under the retention agreement by the amount withheld under the 9% assessment. The plaintiff's recovery shall not be affected by the 9% assessment. To ensure compliance with Pretrial Orders Nos. 467 and 517, it is hereby ORDERED that:

(1) From this date forward, defendants shall provide a copy of this Order and Pretrial Order Nos. 467 and 517 with each Claim Payment made to a plaintiff and/or the plaintiff's attorney.

(2) The Plaintiffs' Management Committee shall serve a copy of this Order and Pretrial Order Nos. 467 and 517 on those


plaintiffs' attorneys who, prior to the date of this Order, have received Claim Payments.

(3) All plaintiffs' attorneys who receive or have received Claim Payments shall provide a copy of this Order and Pretrial Orders No. 467 and 517 to their clients, informing them that the 9% assessment is deducted from their counsel fees. In the event that an attorney discovers that an error was made in dispersing a Claim Payment to his or her client, the attorney shall notify the client about the miscalculation and remedy the error immediately.

(4) Any attorney who fails to comply with this Order or Pretrial Order Nos. 467 and 517 may be subject to sanctions as deemed appropriate by the court.

(5) In an attempt to provide guidance to plaintiffs and their attorneys, the court has prepared the attached examples illustrating the proper way to allocate a Claim Payment. (See Exhibit A).

BY THE COURT:


September 12, 2001