FILED

DEC 0 9 2004

CHARLES J. WALSH

IN RE: DIET DRUG LITIGATION	SUPERIOR COURT OF NEW JERSEY LAW DIVISION: BERGEN COUNTY Master Docket No.: BER-L-11379-04MT
JANNA ANDRADE, Plaintiff, v. WYETH, INC., Defendant.	***ORDER*** Docket No.: BER-L-1502-04MT
PATRICIA ARIAZ, Plaintiff, v. WYETH, INC., Defendant.	Docket No.: BER-L-2329-04MT
TERRELL ARONSPEER, Plaintiff, v. WYETH, INC., Defendant.	Docket No.: BER-L-2318-04MT
TERRY BAILEY-SWAGER, Plaintiff, v. WYETH, INC., Defendant.	Docket No.: BER-L-1381-04MT
REGINA BARASSI, Plaintiff, v. WYETH, INC., Defendant.	Docket No.: BER-L-2390-04MT
KATHY BARRON, Plaintiff, v. WYETH, INC., Defendant.	Docket No.: BER-L-2306-04MT

SHERRI BELL, Plaintiff, v. WYETH, INC., Defendant.	Docket No.: BER-L-1402-04MT
KAREN BENSON, Plaintiff, v. WYETH, INC., Defendant.	Docket No.: BER-L-2398-04MT
ALFRED BLANCHARD, Plaintiff, v. WYETH, INC., Defendant.	Docket No.: BER-L-2417-04MT
LEANDRA BLOCK, Plaintiff, v. WYETH, INC., Defendant.	Docket No.: BER-L-2419-04MT
HERB BOER, Plaintiff, v. WYETH, INC., Defendant.	Docket No.: BER-L-2425-04MT
MARGARET BORDIERI, Plaintiff, v. WYETH, INC., Defendant.	Docket No.: BER-L-2430-04MT
MARY BRAUN, Plaintiff, v. WYETH, INC., Defendant.	Docket No.: BER-L-2399-04MT

SUSAN BUREK, Plaintiff, v. WYETH, INC., Defendant.	Docket No.: BER-L-1498-04MT
TERRI BURGESS-BRYANT, Plaintiff, v. WYETH, INC., Defendant.	Docket No.: BER-L-1499-04MT
TROY BURKS, Plaintiff, v. WYETH, INC., Defendant.	Docket No.: BER-L-1489-04MT
ULYSSES BURNS, Plaintiff, v. WYETH, INC., Defendant.	Docket No.: BER-L-1393-04MT
Plaintiff, v. WYETH, INC., Defendant.	Docket No.: BER-L--04MT
CATHY BUTCHER, Plaintiff, v. WYETH, INC., Defendant.	Docket No.: BER-L-2429-04MT
DENTON CANTWELL, Plaintiff, v. WYETH, INC., Defendant.	Docket No.: BER-L-2434-04MT

RAVEN CHADWELL, Plaintiff, v. WYETH, INC., Defendant.	Docket No.: BER-L-2415-04MT
DOLORES COLLINSWORTH, Plaintiff, v. WYETH, INC., Defendant.	Docket No.: BER-L-2459-04MT
L.V. COLSTON, Plaintiff, v. WYETH, INC., Defendant.	Docket No.: BER-L-1523-04MT
DIANE CORVEY, Plaintiff, v. WYETH, INC., Defendant.	Docket No.: BER-L-964-04MT
MARINA DeROSA, Plaintiff, v. WYETH, INC., Defendant.	Docket No.: BER-L-1517-04MT
ALEXIS ESTREMERA-BRETT, Plaintiff, v. WYETH, INC., Defendant.	Docket No.: BER-L-1524-04MT
ROBERT GILDERSLEEVE, Plaintiff, v. WYETH, INC., Defendant.	Docket No.: BER-L-1376-04MT

ROBERT GORDON, Plaintiff, v. WYETH, INC., Defendant.	Docket No.: BER-L-1526-04MT
CHERYL GREENE, Plaintiff, v. WYETH, INC., Defendant.	Docket No.: BER-L-1395-04MT
YVONNE HARDNETT, Plaintiff, v. WYETH, INC., Defendant.	Docket No.: BER-L-970-04MT
DOROTHY JEKEL, Plaintiff, v. WYETH, INC., Defendant.	Docket No.: BER-L-1401-04MT
SARAH LARSON, Plaintiff, v. WYETH, INC., Defendant.	Docket No.: BER-L-1433-04MT
BEVERLY PADRATZIK, Plaintiff, v. WYETH, INC., Defendant.	Docket No.: BER-L-1448-04MT
CYNTHIA READ, Plaintiff, v. WYETH, INC., Defendant.	Docket No.: BER-L-1458-04MT

ANGELA REYNOLDS, Plaintiff, v. WYETH, INC., Defendant.	Docket No.: BER-L-1455-04MT
LYNETTE RICKMAN, Plaintiff, v. WYETH, INC., Defendant.	Docket No.: BER-L-1413-04MT
JOYCE RINGO, Plaintiff, v. WYETH, INC., Defendant.	Docket No.: BER-L-1412-04MT
WILLIAM ROACH, Plaintiff, v. WYETH, INC., Defendant.	Docket No.: BER-L-1098-04MT
LUPE ROBLES, Plaintiff, v. WYETH, INC., Defendant.	Docket No.: BER-L-5949-03MT
WILLIAM ROWE, Plaintiff, v. WYETH, INC., Defendant.	Docket No.: BER-L-1410-04MT
DEBRA RUBIN, Plaintiff, v. WYETH, INC., Defendant.	Docket No.: BER-L-368-04MT

YSOLA RUIZ, Plaintiff, v. WYETH, INC., Defendant.	Docket No.: BER-L-967-04MT
DONALD SCHAEFER, Plaintiff, v. WYETH, INC., Defendant.	Docket No.: BER-L-1464-04MT
STEVEN SIGNORE, Plaintiff, v. WYETH, INC., Defendant.	Docket No.: BER-L-1454-04MT
RON SMITH, Plaintiff, v. WYETH, INC., Defendant.	Docket No.: BER-L-1438-04MT
DALVE SMITH, Plaintiff, v. WYETH, INC., Defendant.	Docket No.: BER-L-1519-04MT
PHYLISS TAYLOR, Plaintiff, v. WYETH, INC., Defendant.	Docket No.: BER-L-1462-04MT
YOLANDA WALKER, Plaintiff, v. WYETH, INC., Defendant.	Docket No.: BER-L-1383-04MT

GLENANN YAHNKE, Plaintiff, v. WYETH, INC., Defendant.	:	Docket No.: BER-L-1478-04MT

THIS MATTER having been opened to the Court by attorneys for Defendants Wyeth, Wyeth Pharmaceuticals, Inc., and Wyeth-Ayerst International, Inc. (collectively "Wyeth") on motions to dismiss Plaintiffs' Complaint with prejudice for lack of eligibility to sue under the terms of the Nationwide Class Action Settlement Agreement with American Home Products Corporation, as approved in Memorandum and Pretrial Order No.: 1415, *In re Diet Drugs (Phentermine/Fenfluramine/Dexfenfluramine) Prods. Liab. Litig.*, MDL Docket No. 1203 (E.D. Pa. Aug. 28, 2000), and the Plaintiffs having opposed the motions and the Court having considered the papers submitted, the arguments of counsel and the testimony of experts and for the reasons set forth in the Letter Opinion dated December 9, 2004 and for other good cause,

IT IS on this 9th day of December 2004;

ORDERED that Wyeth's motions to dismiss be and hereby are granted as to plaintiffs Patricia Ariaz, Terrell Aronspeer, Terry Bailey-Swager, Regina Barassi, Kathy Barron, Sherri Bell, Karen Benson, Alfred Blanchard, Leandra Block, Herb Boer, Margaret Bordieri, Mary Braun, Susan Burek, Terri Burgess-Bryant, Troy Burks, Ulysses Burns, Cathy Butcher, Raven Chadwell, Dolores Collinsworth, Diane Corvey, Marina DeRosa, Vincent Dingillo, Alexis Estremera-Brett, Robert

Gildersleeve, Robert Gordon, Yvonne Hardnett, Dorothy Jekel, Beverly Padratzik, Cynthia Read, Angela Reynolds, Lynette Rickman, Joyce Ringo, William Roach, Lupe Robles, William Rowe, Debra Rubin, Ysola Ruiz, Donald Schaefer, Steven Signore, Ron Smith, Phyliss Taylor, Yolanda Walker, and Glennann Yahnke and these Complaints are dismissed with prejudice and those plaintiffs are returned to the Class, and it is further

ORDERED that Wyeth's motions to dismiss be and hereby are denied as to plaintiffs Janna Andrade, Denton Cantwell, L.V. Colston, Cheryl Greene, Sarah Larson, and Dalve Smith.

HON. CHARLES J. WALSH, J.S.C.

SUPERIOR COURT OF NEW JERSEY

CHARLES J. WALSH
JUDGE

BERGEN COUNTY JUSTICE CENTER
HACKENSACK, NJ 07601-7689
(201) 527-2690

SUPERIOR COURT BERGEN COUNTY
FILED
JAN - 3 2005
DEPUTY CLERK

January 3, 2005

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RE: IN RE: DIET DRUG LITIGATION
Master Docket No. BER-L-13379-04MT

MARINA DeROSA v. WYETH, INC.
Docket No. BER-L-1517-04MT

Dear Counsel:

On December 17, 2004, Mark R. Cuker, Esq. expressed concern over whether the Court had considered the November 15, 2004 deposition testimony of Dr. Neal F. Skop with respect to Marina DeRosa when it rendered its December 9, 2004 Letter Opinion. The concern is understandable in light of footnote 21 in that Letter Opinion noting that "[b]y agreement of counsel, Dr. Skop's testimony was

by Affidavit only."[1] The Court recalled reviewing Dr. Skop's testimony[2] and advised Mr. Cuker that it would amend its Letter Opinion to indicate that this review had taken place. This Letter Opinion is designed to accomplish that purpose.

Consistent with both Affidavits, Dr. Skop testified in his deposition that the echocardiogram he reviewed had both an excessive gain setting and a Nyquist limit of 51 cm/sec which he agreed was "a minimal acceptable level." He conceded that the size of the regurgitant jet by color Doppler is significantly affected by both the Nyquist limit and the gain setting. He further indicated that with respect to his mitral valve evaluations, he initially used length and not the required area measurements. The area measurements were discussed in his deposition and subsequent Affidavit. Finally, at his deposition, Dr. Skop conceded that much of the jet area he identified was, in fact, laminar flow and once it was removed the RJA/LAA ratio would fall below 20% -- the cutoff for MMR.

The Court amends its Letter Opinion of December 9, 2004 to reflect these additional findings.

Very truly yours,

Charles J. Walsh, J.S.C.

CJW/len
Encl.

[1] The Court's notes reveal that the deposition testimony was reviewed prior to the Court's December 9, 2004 Letter Opinion. The first page of Dr. Skop's deposition with some of those notes is enclosed with this Letter Opinion.
[2] The reference should have been to Dr. Skop's second Affidavit which was required because Dr. Sherrid's report, the independent expert, was not available at the time of his deposition testimony.

SUPERIOR COURT OF NEW JERSEY
BERGEN COUNTY - LAW DIVISION
DOCKET NO. BER-L-7718-03 MT

In re: DIET DRUG LITIGATION
VENUED IN BERGEN COUNTY

Monday, November 15, 2004

Videotape examination of NEAL F. SKOP, M.D., held in the offices of WILLIAMS & CUKER & BEREZOFSKY, One Penn Center, 1617 JFK Boulevard, Suite 800, Philadelphia, Pennsylvania 19103, commencing at 9:20 p.m., on the above date, before Mickey Dinter, Registered Professional Reporter and Commissioner of Deeds for the Commonwealth of Pennsylvania.

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→ 16, 22
15 — 15.8
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qualified
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A P P E A R A N C E S: