

FILED

APR 07 2005

**CHARLES J. WALSH
J.S.C.**

IN RE: DIET DRUG LITIGATION

FRANKIE A. BRIGMAN,
Plaintiff,
v.
WYETH,
Defendant.

: SUPERIOR COURT OF NEW JERSEY
: LAW DIVISION: BERGEN COUNTY
: Master Docket No.: BER-L-13379-04MT

Civil Action

ORDER

Docket No. BER-L-2547-04MT

SARAH ANN GIBSON,
Plaintiff,
v.
WYETH,
Defendant.

Docket No. BER-L-2561-04MT

PAMELA L. GRABER-KEITH,

Plaintiff,

v.

WYETH,

Defendant.

Docket No. BER-L-2562-04MT

LEA M. MORRISON,

Plaintiff,

v.

WYETH,

Defendant.

Docket No. BER-L-2565-04MT

ELIZABETH WARD,

Plaintiff,

v.

WYETH,

Defendant.

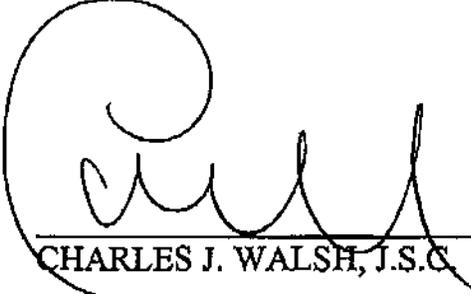
Docket No. BER-L-2571-04MT

THIS MATTER having been brought before the Court by Wyeth Corporation ("Wyeth") by its attorneys Porzio, Bromberg & Newman, P.C. (Anita Hotchkiss, Esq.

and Charles E. Erway, III, appearing) and Arnold & Porter, LLP (Anand Agneshwar, Esq. appearing) seeking a ruling that the heeding presumption applicable in product liability failure to warn cases would be inapplicable in pharmaceutical product liability cases where warning information generally is provided to a health care professional as opposed to the plaintiffs, and the plaintiffs appearing by their attorneys Williams, Cuker & Berezofsky (Esther E. Berezofsky, Esq. appearing) and Williams Bailey Law Firm, LLP (Avram J. Blair, Esq. appearing) and having opposed this motion and the Court having considered the arguments and submissions of counsel and for the reasons set forth in its April 7, 2005 Opinion, and for good cause,

IT IS on this 7th day of April 2005;

ORDERED that Wyeth's motion be and hereby is denied.



CHARLES J. WALSH, J.S.C.