

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

IN RE: DIET DRUGS (PHENTERMINE/
FENFLURAMINE/DEXFENFLURAMINE) : MDL NO. 1203
PRODUCTS LIABILITY LITIGATION :
:
SHEILA BROWN, et al. :
:
v. :
:
AMERICAN HOME PRODUCTS : CIVIL ACTION NO. 99-20593
CORPORATION :

PRETRIAL ORDER NO. _____

AND NOW, this _____ day of _____, 2008, the court having considered the attached proposed Pro Rata Refund Plan for the return of certain assessments paid into the MDL 1203 Fee and Cost Account, it is hereby ORDERED that said Pro Rata Refund Plan, attached as Exhibit A, is approved.

BY THE COURT:

C.J.

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
:
SHEILA BROWN, et al. :
:
v. :
:
AMERICAN HOME PRODUCTS : CIVIL ACTION NO. 99-20593
CORPORATION :

ESCROW AGENT'S PROPOSED PLAN
FOR THE RETURN OF CERTAIN ASSESSMENTS PAID INTO THE
MDL 1203 FEE AND COST ACCOUNT IN DOWNSTREAM OPT-OUT CASES

On July 21, 2008, the Court issued Memorandum and Pretrial Order ("PTO") No. 7896, in which the undersigned, as Escrow Agent for the MDL 1203 Fee and Cost Account ("MDL 1203 Account"), was ordered to file, on or before August 20, 2008, a plan for the pro rata refund of certain assessments paid into the MDL 1203 Account in federal and coordinated state Intermediate and Back-End Opt-Out cases. In accordance with PTO No. 7896, the Escrow Agent files the Pro Rata Refund Plan, attached as Exhibit A, for the Court's consideration.

Respectfully submitted,



GREGORY P. MILLER
Escrow Agent for the
MDL 1203 Fee and Cost Account

EXHIBIT A

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
:
: _____ :
SHEILA BROWN, et al. :
:
: v. :
:
: AMERICAN HOME PRODUCTS : CIVIL ACTION NO. 99-20593
CORPORATION :
:

ESCROW AGENT'S PLAN FOR THE PRO RATA REFUND OF
ASSESSMENTS PAID INTO THE MDL 1203 FEE AND COST ACCOUNT
IN FEDERAL AND COORDINATED STATE DOWNSTREAM OPT-OUT CASES

I. BACKGROUND

1. Pursuant to Pretrial Order ("PTO") Nos. 467 and 517, and private coordination agreements with the Plaintiffs' Management Committee, pro se plaintiffs and plaintiffs' attorneys were required to pay 9% and 6% assessments into the MDL 1203 Fee and Cost Account ("MDL 1203 Account"). See PTO No. 467 (Feb. 10, 1998); PTO No. 517 (Mar. 19, 1999).

2. In PTO No. 892, the Court appointed Gregory P. Miller, Esquire, as Escrow Agent for the MDL 1203 Account. The Escrow Agent was charged with managing the MDL 1203 Account and creating procedures to monitor the deposit of assessments and the payment of distributions approved by the Court. See PTO No. 892 (Sept. 29, 1999).

3. Under the procedures created by the Escrow Agent, settling defendants, pro se plaintiffs and plaintiffs' attorneys submitted Tender of Payment forms ("Tender Forms") for assessments

paid into the MDL 1203 Account.

4. On October 3, 2002, the Court issued PTO No. 2622, which: (1) approved an interim award of attorneys' fees; (2) ordered the return of one-third of the 9% and 6% assessments paid into the MDL 1203 Account; and (3) modified PTO No. 467 by reducing the assessment percentages for federal and coordinated state cases to 6% and 4%, respectively. See PTO No. 2662 (Oct. 3, 2002) ¶¶ 7, 10.

5. On July 21, 2008, the Court issued PTO No. 7896, which approved the allocation and distribution of additional attorneys' fees awarded by the Court. See PTO No. 7896 (Jul. 21, 2008); see also PTO No. 7763A (Apr. 9, 2008).

6. In PTO No. 7896, the Court approved the distribution of \$56,300,000 in attorneys' fees from the MDL 1203 Account. The Court also ordered that: (1) \$20,000,000 in assessments paid in Intermediate and Back-End Opt-Out cases ("Downstream Opt-Out cases"), be applied to the \$56,300,000 award of attorneys' fees; (2) \$100 from each assessment levied on federal Downstream Opt-Out cases, with the exception of consortium-only plaintiffs, be retained in the MDL 1203 Account; and (3) the Escrow Agent file a plan for the pro rata refund of the remaining assessments paid, on or before July 20, 2008, in Downstream Opt-Out cases. Id. ¶¶ 3, 5 and 7.

7. The Court further modified PTO No. 2622, in part, by reducing the payment of future assessments in federal and

coordinated state Downstream Opt-Out cases, as of July 21, 2008, to 2.4% and 1.6%, respectively. Id. ¶ 6.

II. PRO RATA REFUND PLAN

8. The Escrow Agent shall oversee the processing of the pro rata refunds required by PTO No. 7896 in accordance with the following procedures.

9. The Escrow Agent may retain consultants to assist in implementing these procedures. The Escrow Agent shall submit to the Court the retention agreements of any consultants for approval. Any consultants retained by the Escrow Agent must agree to maintain the confidentiality of all information received in assisting the Escrow Agent.

10. The Escrow Agent shall send an Initial Contact Letter, in a form substantially similar to the example attached as Exhibit 1, to each pro se plaintiff or plaintiff's attorney identified in the Tender Forms submitted to the Escrow Agent for assessments paid in Downstream Opt-Out cases.

11. The Escrow Agent also shall forward with the Initial Contact Letter copies of: (1) Memorandum and PTO No. 7896; (2) the Pro Rata Refund Plan; (3) the relevant Tender Form(s); (4) a Confirmation Form, in a form substantially similar to the example attached as Exhibit 2; and (5) an Entitlement Form, in a form substantially similar to the example attached as Exhibit 3.

12. Each pro se plaintiff or plaintiff's attorney identified

on the Tender Form(s) shall complete and submit a separate Confirmation Form. The individual completing a Confirmation Form shall: (1) identify each case listed on the Tender Form(s) as either an Initial Opt-Out, PPH, federal Downstream Opt-Out or coordinated state Downstream Opt-Out case; (2) specify the total settlement and assessment amounts paid for each of the foregoing category of cases; and (3) identify any consortium-only plaintiffs listed on the Tender Form(s) that were named in any federal Downstream Opt-Out cases.

13. In the Confirmation Form, the pro se plaintiff or plaintiff's attorney also shall declare that: (1) no other firms, plaintiffs' attorneys, plaintiffs and/or third-parties are entitled to any portion of the pro rata refund; and (2) no liens have been asserted against the pro rata refund. If the individual completing a Confirmation Form cannot so declare, he or she must identify any and all individuals and/or entities who are entitled to, or claim to be entitled to, any portion of the pro rata refund.

14. Each pro se plaintiff or plaintiff's attorney completing a Confirmation Form shall provide copies of the Initial Contact Letter along with its enclosures to each firm, plaintiffs' attorney, plaintiff and/or third-party identified as entitled to, or claiming to be entitled to, any portion of the pro rata refund. Each individual so identified shall complete an Entitlement Form, which shall be returned to the pro se plaintiff or plaintiff's

attorney identified on the Tender Form(s).

15. Each plaintiff's attorney completing either a Confirmation Form or an Entitlement Form shall provide a tax identification number, which will be used to process the required IRS Form 1099.

16. Further, for assessments in federal Downstream Opt-Out cases, the plaintiff's attorney shall specify whether the 6% assessments were deducted from his or her fees. In coordinated state cases subject to an agreement requiring that assessments be deducted from the attorney's fees, as opposed to an individual plaintiff's recovery, the plaintiff's attorney shall specify whether the 4% assessments were deducted from his or her fees. If necessary, the Escrow Agent may require the submission of proof (i.e., statements of distributions or client affidavits) regarding the payment by any plaintiff of any portion of an assessment.

17. By signing a Confirmation Form or an Entitlement Form, each individual declares, under penalty of perjury, that the information in the form is accurate to the best of his or her knowledge, information and belief. As required by the Internal Revenue Service, each individual who signs one of these forms also: (1) certifies whether or not he or she is subject to any backup withholding under Section 3406(a)(1)(C) of the Internal Revenue Code; (2) certifies that the individual who completed the Confirmation Form is authorized to receive and disburse the pro

rata refund at issue; and (3) agrees to indemnify and hold harmless the Escrow Agent and his employees and agents from and against any and all liability or expenses, including but not limited to defense costs and legal fees, incurred in connection with the pro rata refund.

18. Upon receipt of the forms required under the Pro Rata Refund Plan from all pro se plaintiffs and plaintiffs' attorneys participating in the refund process, the Escrow Agent shall make a final determination as to the pro rata refunds due and then provide notice to the pro se plaintiffs and plaintiffs' attorneys about their anticipated pro rata refund amounts. Thereafter, the Escrow Agent shall submit a proposed Order to the Court, under seal, for authorization to transfer funds from the MDL 1203 Account into a disbursement account for the payment of the pro rata refunds.

19. Within ten (10) days of receiving Court approval, the Escrow Agent shall prepare and mail the pro rata refund checks. All checks shall be sent via overnight delivery. Wire transfers are not permitted.

20. The Escrow Agent shall inform the Court about any dispute that arises regarding the pro rata refund or compliance with these procedures.

21. The Escrow Agent shall implement internal procedures to safeguard against the fraudulent issuance and/or presentation of pro rata refund checks.

22. If the Escrow Agent determines that a pro se plaintiff would benefit from the assistance of counsel in completing the forms required by the Pro Rata Refund Plan, the Escrow Agent may inform the pro se plaintiff that he or she may contact the Plaintiffs' Management Committee for such assistance.

23. The Escrow Agent also has the discretion to create and implement additional internal procedures to process pro rata refunds consistent with this plan. Any material modification(s) to these refund procedures shall be filed with the Court for approval prior to implementation, including supplemental procedures recommended by consultants retained by the Escrow Agent.

24. The Escrow Agent shall submit to the Court monthly applications for the reimbursement of fees and expenses, including those charged by consultants, for the implementation and administration of this Pro Rata Refund Plan. Upon Court approval, these fees and expenses shall be paid from the MDL 1203 Account.

EXHIBIT 1

PRIVATE AND CONFIDENTIAL

VIA OVERNIGHT CARRIER

<Firm Name or Pro Se Plaintiff>
Attn: <Attorney's Name>
<Address>
<City, State and Zip Code>
File No. <insert no.>

Re: Pro Rata Refunds from MDL 1203 Fee and Cost Account

Dear <Attorney's or Pro Se Plaintiff's Name>:

In Pretrial Order ("PTO") No. 7896, the United States District Court for the Eastern District of Pennsylvania ("Court") ordered the pro rata refund of certain assessments paid in connection with Intermediate and Back-End Opt-Out cases ("Downstream Opt-Out cases"). Copies of PTO No. 7896 and the Pro Rata Refund Plan are enclosed for your review. As Escrow Agent for the MDL 1203 Fee and Cost Account ("MDL 1203 Account"), I am charged with overseeing the processing of refunds under the Pro Rata Refund Plan.

As you may recall, you signed Tender of Payment Forms ("Tender Form") that were submitted to me by the defendant(s) in your cases. Copies of these forms also are enclosed. The cases listed on the Tender Forms and/or attachments to the Tender Forms were identified as settled. Additionally, the Tender Forms show that you settled these cases for a total aggregate amount of <insert total aggregate

settlement amount>, and assessments in the amount of <total assessment amount> were deposited into the MDL 1203 Account.

In PTO No. 7896, the Court ordered that: (1) \$20,000,000 in assessments paid in Downstream Opt-Out cases be applied to the \$56,300,000 in attorneys' fees awarded from the MDL 1203 Account; and (2) \$100 from each assessment levied on federal Downstream Opt-Out cases, with the exception of consortium-only plaintiffs, be retained in the MDL 1203 Account. The balance of the assessments paid in Downstream Opt-Out cases, on or before July 20, 2008, will be refunded on a pro rata basis. Accordingly, I must determine the balance available for the pro rata refunds.

To that end, before any pro rata refunds can be processed, each plaintiff's attorney or pro se plaintiff must complete and return the enclosed Confirmation Form. This form requires, among other things, that you identify each case listed on the Tender Form(s) as either an Initial Opt-Out, PPH, federal Downstream Opt-Out or coordinated state Downstream Opt-Out case, and specify the total settlement and assessment amounts paid for each of the foregoing categories of cases. You also must identify any consortium-only plaintiffs listed on the Tender Form(s) that were named in any federal Downstream Opt-Out cases.

The Confirmation Form also requires that you declare that no other firms, plaintiff's attorneys, plaintiffs and/or third-parties are entitled to a portion of your pro rata refund and no liens have been asserted against the pro rata refund. If you cannot so declare, you must identify any and all other individuals and/or entities who are entitled to, or claim to be entitled to, any portion of the pro rata refund. You also must provide a copy of this letter, PTO No. 7896 and the Pro Rata Refund Plan to these individuals and/or entities, each of whom must complete an Entitlement Form. It is your responsibility to secure and submit original, completed Entitlement Forms if required.

Attorneys completing either the Confirmation Form or Entitlement Form also must specify, for federal Downstream Opt-Out cases, whether the assessments were deducted from their fees. Likewise, in coordinated state cases subject to an agreement requiring that assessments be deducted from the attorney's fees, attorneys must specify whether the assessments were deducted from their fees. This information will be used to determine whether any portion of the pro rata refund should be returned to any plaintiff.

By signing the Confirmation Form, you are declaring that the information in the form is accurate to the best of your knowledge, information and belief. You also must certify whether or not you are subject to any backup withholding under Section 3406(a)(1)(C)

of the Internal Revenue Code and that you are authorized to receive and disburse the pro rata refund at issue. Finally, you are agreeing to indemnify and hold harmless the Escrow Agent and his employees and agents from and against any and all liability or expense, including but not limited to defense costs and legal fees, incurred in connection with your pro rata refund.

To ensure that the pro rata refunds are processed as quickly as possible, you must return the Confirmation Form and, if required, all Entitlement Forms, by <insert due date> to the following address:

MDL 1203 Fee and Cost Account Pro Rata Refund
c/o Heffler, Radetich & Saitta L.L.P.
ATTN: K. Blakla
1515 Market Street, Suite 1700
Philadelphia, PA 19102

Faxed copies of the Confirmation Form or Entitlement Forms will not be accepted. Further, the submission of incomplete forms will delay the processing of the pro rata refunds.

Upon receipt of the necessary forms from all pro se plaintiffs and plaintiffs' attorneys who are participating in the refund process, a final determination as to the pro rata refunds due will be made, and you will receive a notice about your anticipated pro rata refund amount. Thereafter, I will seek permission from the Court to disburse these funds to you. Within ten (10) days of receiving Court approval, a check will be sent to you by overnight

carrier. In accordance with the Internal Revenue Service's regulations, IRS Form 1099's will be mailed to all pro se plaintiffs and plaintiffs' attorneys who receive refund checks.

Any questions about the processing of your pro rata refund should be submitted in writing, which may be faxed to the attention of Kristine Blakla at (215) 665-0613. When making inquiries, you must reference the File Number for your pro rata refund.

Very truly yours,

GREGORY P. MILLER
Escrow Agent for the
MDL 1203 Fee and Cost Account

EXHIBIT 2

*** PRIVATE AND CONFIDENTIAL ***

CONFIRMATION FORM

You must complete and return the original of this form to:
Gregory P. Miller, Esquire
<Address>
<City, State and Zip Code>

THIS COMPLETED DOCUMENT MUST BE RECEIVED BY _____.

1. Contact and Refund Check Information

Changes

<Firm Name or Pro Se Plaintiff's Name> _____
Attn: <Attorney's Name> _____
<Address> _____
<City, State and Zip Code> _____
<Telephone Number> _____
File No. <insert no.> _____

If a change has been made to the firm name or the attorney name, you must submit detailed documents explaining why you are making such changes. **Failure to submit the necessary documentation may delay the processing of your pro rata refund check.**

2. Taxpayer Identification Number

Provide the tax identification number of the entity/person identified above (check payee):

3. Tender Form Information

Identify each plaintiff listed on the attached Tender of Payment Form(s) as either an Initial Opt-Out, PPH, federal Downstream Opt-Out or coordinated state Downstream Opt-Out plaintiff, and indicate whether any of the plaintiffs listed are consortium-only plaintiffs that were named in federal Downstream Opt-Out cases.

Plaintiff's Name	Type of Case	Consortium-Only Plaintiff (Y/N)
_____	_____	_____
_____	_____	_____
_____	_____	_____

(If more space is needed to provide this information, attach additional pages to this form in the same format as above.)

Specify the total settlement and assessment amounts paid for the following groups of cases listed on the Tender of Payment Form(s):

Type of Case	Total Settlement Amount	Total Assessment Amount
Initial Opt-Out Cases	_____	_____
PPH Cases	_____	_____
Federal Downstream Opt-Out Cases	_____	_____
Coordinated State Downstream Opt-Out Cases	_____	_____

If your records reflect that assessments were paid, on or before July 20, 2008, in additional Downstream Opt-Out cases that are not listed on the Tender of Payment Form(s), please provide the information requested in this section for each additional case.

To be answered by attorneys only:

If 6% assessments were paid, did you deduct the assessment amounts from your attorney's fees, as required by Paragraph 8 of Pretrial Order No. 467?

YES: _____ NO: _____

If your answer is NO you must provide an explanation and attach detailed documentation in support of your explanation. **Failure to submit the necessary documentation may delay the processing of your pro rata refund check.**

If 4% assessments were paid, and an agreement governing the assessments requires that assessments be deducted from the attorney's fees, as opposed to any plaintiff's recovery, did you deduct the assessment amounts from your attorney's fees?

YES: _____ NO: _____

If your answer is NO you must provide an explanation and attach detailed documentation in support of your explanation. **Failure to submit the necessary documentation may delay the processing of your pro rata refund check.**

4. Additional Firms, Attorneys, Plaintiff and/or Third Parties

Identify any and all firms, attorneys, plaintiffs and/or third-parties that are or may be entitled to a portion of your pro rata refund, including any entities or individuals who have asserted or may assert liens against your interest in the pro rata refund at issue.

Firm Name:	_____	_____
Attorney:	_____	_____
Address:	_____	_____
City, State and Zip Code:	_____	_____
Telephone Number:	_____	_____
Taxpayer Identification No:	_____	_____
Amount of Refund	_____	_____
To which they are entitled:	_____	_____

(If more space is needed to provide this information, attach additional pages to this form in the same format as above)

5. Comments

If there are any circumstances unique to your situation, please explain below and attach detailed documentation supporting your explanation. **Failure to submit the necessary documentation may delay the processing of your pro rata refund check.**

6. Certification and Declaration

I certify that I am (we are) **NOT** subject to backup withholding under the provisions of Section 3406(a)(1)(C) of the Internal Revenue Code.

NOTE: If you have been notified by the Internal Revenue Service that you are subject to backup withholding, please strike out the word "**NOT**" in the previous sentence.

The Internal Revenue Service does not require your consent to any provision of this document other than the certification required to avoid backup withholding.

I hereby declare, under penalty of perjury, that all of the information in this Confirmation Form is complete and accurate to the best of my knowledge, information and belief and complies with all aspects of the Pro Rata Refund Plan. Other than the firms, plaintiffs' attorneys, plaintiffs and/or third-parties identified in section 4 of this Confirmation Form, no other firms, plaintiffs' attorneys, plaintiffs and/or third-parties are entitled to any portion of the pro rata refund, and no liens have been asserted against the pro rata refund. I agree to indemnify and hold harmless the Escrow Agent and his authorized agents acting on my behalf from and against any and all liability or expenses, including defense costs and legal fees, incurred in connection with processing this refund.

Signature

Date

THIS DOCUMENT MUST BE RECEIVED BY _____ .

FAILURE TO COMPLETE THIS FORM IN ITS ENTIRETY AND TO SUBMIT ALL NECESSARY DOCUMENTS, INCLUDING BUT NOT LIMITED TO COMPLETED ENTITLEMENT FORMS, WILL DELAY THE PROCESSING OF THE PRO RATA REFUNDS.

EXHIBIT 3

***** PRIVATE AND CONFIDENTIAL *****

ENTITLEMENT FORM

**TO BE COMPLETED BY FIRMS, ATTORNEYS, PLAINTIFFS
AND/OR THIRD-PARTIES WHO MAY BE ENTITLED
TO A PORTION OF THE PRO RATA REFUND**

You must complete and return the original of this form to:
<Firm Name or Pro Se Plaintiff's Name>
Attn: <Attorney's Name>
<Address>
<City, State and Zip Code>

1. Contact Information

Changes

<Firm, Plaintiff and Third-Party's Name>

Attn: <Attorney's Name>

<Address>

<City, State and Zip Code>

If a change has been made to the firm name or the attorney name, you must provide an explanation and, if necessary, documents supporting such changes.

2. Taxpayer Identification Number

Please provide the tax identification number of the entity/person identified as the contact in paragraph 1. above: _____

3. Settlement Information for Your Settled Cases

If the basis for your entitlement is related to assessments paid in Downstream Opt-Out cases, you must complete this section. Identify each of your settled Downstream Opt-Out cases, and indicate whether any of the plaintiffs listed are consortium-only plaintiffs that were named in federal Downstream Opt-Out cases.

Plaintiff's Name	Type of Case	Consortium-Only Plaintiff (Y/N)
_____	_____	_____
_____	_____	_____
_____	_____	_____

(If more space is needed to provide this information, attach additional pages to this form in the same format as above.)

Specify the total settlement and assessment amounts paid in connection with your Downstream Opt-Out cases:

Type of Case	Total Settlement Amount	Total Assessment Amount
Federal Downstream Opt-Out Cases	_____	_____
Coordinated State Downstream Opt-Out Cases	_____	_____

To be answered by attorneys only:

If 6% assessments were paid, did you deduct the assessment amounts from your attorney's fees, as required by Paragraph 8 of Pretrial Order No. 467?

YES: _____ NO: _____

If your answer is NO you must provide an explanation and attach detailed documentation in support of your explanation. **Failure to submit the necessary documentation may delay the processing of your pro rata refund check.**

If 4% assessments were paid, and an agreement governing the assessments requires that assessments be deducted from the attorney's fees, as opposed to any plaintiff's recovery, did you deduct the assessment amounts from your attorney's fees?

YES: _____ NO: _____

If your answer is NO you must provide an explanation and attach detailed documentation in support of your explanation. **Failure to submit the necessary documentation may delay the processing of your pro rata refund check.**

4. **Additional Firms, Attorneys, Plaintiffs and/or Third-Parties**

Identify any and all additional firms, attorneys, plaintiffs and/or third-parties who may be entitled to any portion of the pro rata refund.

Name: _____
Address: _____
City, State and Zip Code: _____
Contact: _____
Telephone Number: _____
(if known) _____
Amount of Refund to _____
which they may be entitled: _____

(If more space is needed to provide this information, attach additional pages to this form in the same format as above)

5. **Liens and/or Claims**

Identify any and all entities and/or individuals who have asserted or may assert liens and/or claims against the pro rata refund.

Name: _____
Address: _____
City, State and Zip Code: _____
Contact: _____
Telephone Number: _____
(if known) _____
Amount of Refund to _____
which they may be entitled: _____

(If more space is needed to provide this information, attach additional pages to this form in the same format as above)

7. **Unusual Circumstances**

If there are any circumstances unique to your proposed refund, please explain below and attach detailed documentation supporting your explanation.

8. Certification and Declaration

I certify that I am (we are) **NOT** subject to backup withholding under the provisions of Section 3406(a)(1)(C) of the Internal Revenue Code.

NOTE: If you have been notified by the Internal Revenue Service that you are subject to backup withholding, please strike out the word “**NOT**” in the previous sentence.

The Internal Revenue Service does not require your consent to any provision of this document other than the certification required to avoid backup withholding.

I further certify that <Attorney’s Name> of the law firm <Firm Name> is authorized to receive and disburse the pro rata refund at issue on my behalf

I hereby declare, under penalty of perjury, that all of the information in this Entitlement Acknowledgment Form is complete and accurate to the best of my knowledge, information and belief and complies with all aspects of the pro rata refund plan. Other than the firms, plaintiffs’ attorneys, plaintiffs and/or third-parties identified in sections 4 and 5 of this Entitlement Form, no other firms, plaintiffs’ attorneys, plaintiffs and/or third-parties are entitled to any portion of the pro rata refund, and no liens have been asserted against the pro rata refund. I agree to indemnify and hold harmless the Escrow Agent and his authorized agents acting on my behalf from and against any and all liability or expenses, including defense costs and legal fees, incurred in connection with processing this refund.

Signature

Date

**YOU MUST COMPLETE THIS FORM IN ITS ENTIRETY AND SUBMIT IT TO
<Attorney’s Name or Firm Name>
ALONG WITH ALL NECESSARY DOCUMENTS**

CERTIFICATE OF SERVICE

I, Heather C. Giordanella, Esquire, hereby certify that: (1) a true and correct copy of the Escrow Agent's Plan for the Pro Rata Refund of Assessments Paid into the MDL 1203 Fee and Cost Account in Federal and Coordinated State Downstream Opt-Out Cases was filed this 20th day of August, 2008, and will be available for viewing and downloading from the ECF System of the United States District Court for the Eastern District of Pennsylvania; and (2) a true and correct copy of the Escrow Agent's Plan for the Pro Rata Refund of Assessments Paid into the MDL 1203 Fee and Cost Account in Federal and Coordinated State Downstream Opt-Out Cases was served by hand delivery upon the persons listed below, this 20th day of August, 2008:

Arnold Levin, Esquire
Levin, Fishbein, Sedran & Berman
510 Walnut Street, Suite 500
Philadelphia, PA 19106


Plaintiffs' Management Committee

Ms. Deborah A. Hyland
Plaintiffs' Management Committee
Constitution Place
325 Chestnut Street, Suite 200
Philadelphia, PA 19106

Plaintiffs' Management Committee

Michael T. Scott, Esquire
Reed Smith LLP
2500 One Liberty Place
Philadelphia, PA 19103

Liaison Counsel for Fenfluramine
and Dexfenfluramine Defendants



Heather C. Giordanella