

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

IN RE: DIET DRUGS (Phentermine/
Fenfluramine/Dexfenfluramine)
PRODUCTS LIABILITY LITIGATION

MDL Docket No. 1203

THIS DOCUMENT RELATES TO:
SHEILA BROWN, SHARON GADDIE,
VIVIAN NAUGLE, QUINTIN LAYER,
and JOBY JACKSON-REID,
individually and all others similarly situated,

CIVIL ACTION NO. 99-20593

AFFIDAVIT

Plaintiffs,

v.

AMERICAN HOME PRODUCTS
CORPORATION,

Defendant.

STATE OF NEW YORK)
) s.s.:
COUNTY OF NEW YORK)

DENISE A. RUBIN, being duly sworn, hereby deposes and says:


1. I am an attorney duly licensed to practice before the Courts of the State of New York. I am associated with the law firm Napoli Kaiser Bern & Associates, LLP, counsel for class members who will be affected by any order arising in response to defendant Wyeth's pending motion for A Temporary Stay Of Processing Of "Non-Priority" Matrix Claims To Preserve Available Settlement Funding.

2. This Affidavit and the exhibits thereto are respectfully offered to supplement our opposition to the Wyeth motion that is already set forth in the opposition papers filed by the office of Baron & Budd.

3. By this affidavit and Memorandum of Law and Facts we note that we have also respectfully joined in the submissions made by our colleagues at Baron & Budd and by Fleming & Associates, in opposition to Wyeth's motions for a stay and for a new CAP. All of the arguments in both offices' opposition papers are adopted as if fully set forth herein, but will not be repeated here in the interest of brevity.

4. Annexed to this affidavit and in opposition to Wyeth's motion for a stay and for a new – and utterly unnecessary – CAP, are the following exhibits:

- a. Answer and Counterclaim filed by Linda Crouse, M.D.;
- b. Steven Goodman, M.D.'s declaration and supplemental declaration;
- c. Declaration of Dean Karalis, M.D.;
- d. Declaration of defendant Samuel Kursch, Ph.D.;
- e. Expert Report of Dr. Mark McClellan;
- f. Declaration of Paul N. Hopkins, M.D., MSPH, with exhibits;



DENISE A. RUBIN (DR-5591)

Sworn to before me this
12th Day of March 2004



Notary Public

NICOLE V. GURKIN
Notary Public - State of New York
No. 02GU6098906
Qualified in New York County
Commission Expires: 9/22/2007

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

IN RE: DIET DRUGS
(Phentermine Fenfluramine/Dexfenfluramine)
PRODUCTS LIABILITY LITIGATION

MDL 1203

SHEILA BROWN, et al.

-against-
Plaintiffs,

Docket No.: 99 CV 20593

AMERICAN HOME PRODUCTS
CORPORATION, *et al.*

Defendants.

CLAIMANTS' SUPPLEMENTAL OPPOSITION
TO WYETH'S MOTION FOR A STAY IN THE
PROCESSING OF MATRIX CLAIMS AND FOR A NEW
COURT-APPROVED PROCEDURE

NAPOLI KAISER BERN & ASSOCIATES, LLP

Attorneys for : Class Members
Office and Post Office Address, Telephone
3500 Sunrise Hwy., Suite T-207
Great River, New York 11739
(212) 267-3700

To
Attorney(s) for

Service of a copy of the within is hereby admitted.
Dated,

Attorney(s) for

PLEASE TAKE NOTICE:

NOTICE OF ENTRY

that the within is a (certified) true copy of a _____ duly entered in the office of
the clerk of the within name court on _____ 200

NOTICE OF SETTLEMENT

that an order _____ of which the within is a true copy
will be presented for settlement to the HON. _____ one of the judges of the
within named Court, at _____ on _____ 200 _____ at _____ M.

Dated,

Yours, etc.

NAPOLI KAISER BERN & ASSOCIATES, LLP