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The Honorable Barbara Jacobs Rothstein

MAR 14 2008

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY

01-MD-01407-ORD

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

IN RE: PHENYLPROPANOLAMINE (PPA)
PRODUCTS LIABILITY LITIGATION

MDL No. 1407

This document relates to all cases listed in
Exhibit A

ORDER GRANTING MOTION TO
DISMISS "DELACO RELEASED
PARTIES"

This matter is before the Court on the Motion to Dismiss filed by Williams, Kastner & Gibbs PLLC, local counsel for the Delaco Settlement Trust, Miller & Martin PLLC, special counsel for the Delaco Settlement Trust, and The New Delaco Company as successor in interest to The Delaco Company as successor by merger to Thompson Medical Company, Inc. (hereinafter "Delaco").

Having considered the moving papers and attachments thereto, the Court finds the following:

1. Delaco, a defendant in numerous cases pending in MDL 1407 *In Re Phenylpropanolamine (PPA) Products Liability Litigation*, filed a voluntary petition for relief under Chapter 11 of the United States Bankruptcy Code in the United States Bankruptcy Court for the Southern District of New York (hereinafter the "Bankruptcy Court"), and on February 17, 2006, the Bankruptcy Court confirmed the Amended Plan of Reorganization of

ORDER GRANTING MOTION TO DISMISS "DELACO RELEASED PARTIES" - 1 (MDL No. 1407)

Williams, Kastner & Gibbs PLLC
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1 The Delaco Company under Chapter 11 of the United States Bankruptcy Code as more fully
2 set out in the Confirmation Order.

3 2. The Confirmation Order approved the establishment of the Delaco Settlement
4 Trust; the trust's assumption of all liability arising from or related to Delaco Trust Claims
5 through a Channeling Injunction; dismissed "all actions commenced against Delaco asserting
6 personal injury or wrongful death claims based on the ingestion of products containing PPA";
7 directed the claims to the Delaco Settlement Trust; released all claims "constituting, based
8 upon, arising out of, attributable to or connected with any Dexatrim Trust Claims, PPA
9 Litigation or Dexatrim Products..."; and approved the appointment of Miller & Martin PLLC
10 as the Claims Reviewer of the Trust.

11 3. As required by the terms of the Delaco Settlement Trust, the Claims Reviewer
12 reviewed Delaco Trust Claims and negotiated settlement compensation with each claimant
13 listed on Exhibit A to this Order. Prior to receipt of settlement compensation, the claimants
14 listed in Exhibit A executed release and tender of payment forms indicating the claimants'
15 agreement to release his or her Delaco Trust claim and to dismiss his or her cause of action.
16 Subsequently, each claimant listed in Exhibit A has received 90% of the total adjusted
17 settlement compensation value (less any amounts withheld for lien holdbacks and the 8% MDL
18 fee).

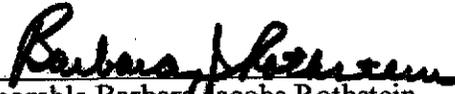
19 4. The dismissal of all actions commenced against Delaco asserting personal injury
20 or wrongful death based on the ingestion of products containing PPA and direction of these
21 claims to the Delaco Settlement Trust by the Bankruptcy Court is approved and adopted by this
22 Court.

23 5. Each claimant listed in Exhibit A has settled his or her claim with the Delaco
24 Settlement Trust and consented to the dismissal of his or her claim.
25

1 Based upon the findings set out above, IT IS HEREBY ORDERED:

2 That the claims identified in the chart attached to this Order as Exhibit A are dismissed
3 with prejudice and on the merits against The Delaco Company, successor by merger to
4 Thompson Medical Company, Inc., Thomson Medical Company, Inc., Chattem, Inc., Signal
5 Investment and Management Co., Sidmak Laboratories, Inc., n/k/a Pliva, Inc., the Delaco
6 Settlement Trust, the Trustee of the Delaco Settlement Trust, the Trust Advisory Committee of
7 the Delaco Settlement Trust, Miller & Martin PLLC, Special Master John E. Keefe, Sr., Lynch
8 Keefe Bartels, and/or any vendor, retailer distributor, formulator, and/or manufacturer of any
9 part of the Dexatrim Products and a Minute Entry for each case pending in MDL 1407 listed in
10 Exhibit A will be entered referring to this Order of Dismissal.

11 DATED this 14th day of March, 2008.

12
13 
14 Honorable Barbara Jacobs Rothstein

15
16
17 PRESENTED BY:

18 s/Gregory D. Shelton, WSBA #36530
19 Attorneys for Delaco Settlement Trust
20 WILLIAMS, KASTNER & GIBBS PLLC
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ORDER GRANTING MOTION TO DISMISS "DELACO RELEASED
PARTIES" - 3
(MDL No. 1407)

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DELACO MDL CASES TO BE DISMISSED

<i>Claimant</i>	<i>MDL</i>	<i>Parties to be Dismissed</i>
Austin, Debra	03-3025	Chattem Inc.
Baxter, Lauren J.	04-139	Delaco Company Sidmak Laboratories Inc. Sobel NV Alps Pharmaceuticals D.D. Plivaa Chattem Inc. Signal Investment & Management Pam Holdings Inc.
Bowman, Connie	03-217	Sidmak Laboratories Inc. Delaco Company Thompson Medical Company Inc. Chattem Inc.
Brien, Linda A.	04-704	Delaco Company Sidmark Laboratories Inc Sobel NV Chattem Inc. Signal Investment & Management Pam Holdings Inc. Plivaa DD Alps Pharmaceuticals
Campbell, Modell	02-549	Chattem Inc. Delaco Company
Cousin, Ivystein and Melvin	03-1752	Chattem Inc. Delaco Company
Culbertson-Williams, Deborah	03-607	Sidmak Laboratories Inc. Delaco Company Thompson Medical Company Inc. Chattem Inc.
Edwards, Gussie Effie	03-2010	Chattem Inc. Delaco Company
Hayes, Bernice	03-1997	Delaco Company
Henson, Jeanette	03-1453	Delaco Company Chattem Inc.
Hills, Pamela S. and Johnny R.	04-1104	Delaco Company Chattem Inc. Sidmak Laboratories Inc. Albertson's Inc.

EXHIBIT A

<i>Claimant</i>	<i>MDL</i>	<i>Parties to be Dismissed</i>
Johnson, Ben R.	04-77	Chattem Inc.
Kanouff, Kathleen	04-935	Chattem Inc. Delaco Company Pliva Inc.
Kitchens, Emma Ree	03-3531	Chattem Inc. Thompson Medical Company Inc. Ivy's Discount Drugs
Lindsey, Joan D.	03-423	Delaco Company Chattem, Inc.
Marvel, Aundrea	03-2855	Thompson Medical Co. Inc. Delaco Company Plivaa DD DD Plivaa Pliva Prague Pliva Inc. Pliva DD Sidmak Laboratories Inc.
McClendon, Annie Fay	03-365	Delaco Company Sidmak Laboratories Inc. Sobel NV Alps Pharamaceutical Inc. Co. Ltd. Pliva DD
Miller, Jammie	03-1842	Chattem Inc. Delaco Company
Mutchler, Evelyn	04-702	Delaco Company Sidmak Laboratories Inc. Sobel NV Chattem Inc. Signal Investment & Management Pam Holdings Inc. Plivaa DD Alps Pharmaceuticals
Ray, Mary	03-3127	The Delaco Company Sidmak Laboratories Inc. Sobel NV Chattem Inc. Steve Weiss & Co. Inc. Signal Investment & Management Pam Holdings Inc. DD Plivaa Alps Pharmaceuticals

<i>Claimant</i>	<i>MDL</i>	<i>Parties to be Dismissed</i>
Senatore, Carlo	02-1530	Delaco Company Chattem Inc. All Doe Defendants
Smith, Vivian	03-221	Sidmak Laboratories Inc. Delaco Company Thompson Medical Company Inc. Chattem Inc.
Thompson, Wanda	04-76	Chattem Inc. Block Drug Co. Inc.
Ward, Martha, individually and as Personal Representative for the Estate of Michael Ward	03-244	Thompson Medical Company Inc. Delaco Company Pliva Inc. Sidmak Laboratories Inc.
Williams, Rene	03-1869	Chattem Inc. Delaco Company