

ACO-010-E

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

October 23, 2012

No. 12-3826

In Re: Diet Drugs (Phentermine/Fenfluramine/Dexfenfluramine)
Products Liability Litigation

Wyeth LLC, Wyeth Pharmaceuticals, and Pfizer, Inc.,
Appellants

(E.D. Pa. No. 2-99-cv-20593 / 2-12-md-01203)

Present: SLOVITER, VANASKIE, and WEIS, Circuit Judges

1. Motion by Appellees, Class Counsel, Plaintiffs' Liaison Counsel, Jamie Cheek, and Valarie Farmer, for Summary Action Affirming Paragraphs 1 and 2 of the District Court's Order and for Dismissal of the Appeal from Paragraph 3 of the District Court's Order for Lack of Jurisdiction;
2. Motion by Appellants to Expedite Appeal with proposed briefing as follows:

Appellants' opening brief:	November 9, 2012
Appellees' opening brief:	November 27, 2012
Appellants' reply brief:	December 6, 2012
3. Response by Appellees, Class Counsel, Plaintiffs' Liaison Counsel, Jamie Cheek, and Valarie Farmer, in Opposition to Motion to Expedite Appeal;
4. Response by Appellants in Opposition to Motion for Summary Affirmance;
5. Reply by Appellants in Support of Motion to Expedite Appeal.
6. Reply by Appellees to Appellants Reply.

Respectfully,
Clerk/slc

ORDER

The foregoing Motion by Appellees for Summary Action Affirming Paragraphs 1 and 2 of the District Court's Order and for Dismissal of the Appeal from Paragraph 3 of that same Order is hereby **GRANTED** and the appeal is dismissed. Further, the foregoing Motion by Appellants to Expedite Appeal is hereby **DENIED** as moot.

By the Court,

s/WEIS

United States Circuit Judge

Dated: November 6, 2012

CJG/cc: Sean P. Tracey, Esq.

Elizabeth M. Burke, Esq.

Anand Agneshwar, Esq.

Jules S. Henshell, Esq.

Laurence S. Berman, Esq.

Michael D. Fishbein, Esq.

Arnold Levin, Esq.

Charles R. Parker, Esq.

OFFICE OF THE CLERK

MARCIA M. WALDRON

CLERK



UNITED STATES COURT OF APPEALS

21400 UNITED STATES COURTHOUSE
601 MARKET STREET

PHILADELPHIA, PA 19106-1790

Website: www.ca3.uscourts.gov

TELEPHONE

215-597-2995

November 6, 2012

Anand Agneshwar, Esq.
Arnold & Porter
399 Park Avenue
New York NY 10022

Laurence S. Berman, Esq.
Levin, Fishbein, Sedran & Berman
510 Walnut Street Suite 500
Philadelphia PA 19106

Elizabeth M. Burke, Esq.
Richardson, Patrick, Westbrook & Brickman
1037 Chuck Dawley Boulevard Building A
Mount Pleasant SC 29464-0000

Michael D. Fishbein, Esq.
Levin, Fishbein, Sedran & Berman
510 Walnut Street Suite 500
Philadelphia PA 19106

Jules S. Henshell, Esq.
Semanoff, Ormsby, Greenberg & Torchia
2617 Huntingdon Pike
Huntingdon Valley PA 18974

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

Charles R. Parker, Esq.
Locke Lord
600 Travis Street 3400 JP Morgan Chase Tower
Houston TX 77002-0000

Sean P. Tracey, Esq.
Tracey Law Firm
440 Louisiana Street Suite 1901
Houston TX 77002

RE: In Re: Diet Drugs
Case Number: 12-3826
District Case Number: 2-99-cv-20593
District Case Number: 2-12-md-01203

ENTRY OF JUDGMENT

Today, **November 06, 2012** the Court issued a case dispositive order in the above-captioned matter which serves as this Court's judgment. Fed. R. App. P. 36.

If you wish to seek review of the Court's decision, you may file a petition for rehearing. The procedures for filing a petition for rehearing are set forth in Fed. R. App. P. 35 and 40, 3rd Cir. LAR 35 and 40, and summarized below.

Time for Filing:
14 days after entry of judgment
45 days after entry of judgment in a civil case if the United States is a party

Page Limits:
15 pages
Attachments:
A copy of the panel's dispositive order only. No other attachments are permitted without first obtaining leave from the Court.

Unless the petition specifies that the petition seeks only panel rehearing, the petition will be construed as requesting both panel and en banc rehearing. If separate petitions for panel rehearing and rehearing en banc are submitted, they will be treated as a single document and will be subject to a combined 15 page limit. If only panel rehearing is sought, the Court's rules do not provide for the subsequent filing of a petition for rehearing en banc in the event that the petition seeking only panel rehearing is denied.

Please consult the Rules of the Supreme Court of the United States regarding the timing and requirements for filing a petition for writ of certiorari.

Very truly yours,

Marcia M. Waldron

Marcia M. Waldron,
Clerk

By: Shannon/cjg
Case Manager
267-299-4959