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5 Attorneys for Individual and Representative Plaintiffs
On Behalf of the Plaintiffs Executive Committee

7
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF LOS ANGELES- NORWALK DIVISION

10 IN RE DIET DRUGS,)

J.C.C.P. 4032
DD Nos. 718; 572

11 THIS DOCUMENT RELATES TO:)

CLASS ACTION

12 **KATHY TIFFITH** and **SHERRI SHARP** on)
behalf of themselves and all others similarly)
13 situated and as private attorney generals,)
Plaintiffs,)

DECLARATION OF WILLIAM B. HIRSCH IN SUPPORT OF PLAINTIFFS' MOTION FOR CERTIFICATION OF A PLAINTIFF CLASS FOR MEDICAL SCREENING RELIEF

14 v.)

CALIFORNIA DIET CENTER)
DEFENDANTS:)

Dept.: SE-D

15 **MANHATTAN WEIGHT CONTROL;**)
WEIGHT RELEASE AND WELLNESS)
16 **CENTER; RESULTS PLUS MEDICAL**)
GROUP; JOSEPH RAVENNA, JR. M.D.;)
17 **WELLNESS GROUP MEDICAL CENTER;**)
LA WEIGHT CLINIC;)
18 **FENFLURAMINE AND**)
DEXFENFLURAMINE DEFENDANTS:)

The Honorable Daniel S. Pratt

Hearing Date To Be Set

19 **AMERICAN HOME PRODUCTS**)
CORPORATION; WYETH-AYERST)
20 **LABORATORIES COMPANY;**)
INTERNEURON PHARMACEUTICALS,)
21 **INC.; A.H. ROBINS COMPANY,**)
INCORPORATED; LES LABORATOIRES)
22 **SERVIER, SA**)
PHENTERMINE DEFENDANTS:)

23 **GATE PHARMACEUTICALS, A DIVISION**)
OF TEVA PHARMACEUTICALS, USA,)
24 **INC.; SMITHKLINE BEECHAM**)
CORPORATION; ABANA)
25 **PHARMACEUTICALS, INC.; RICHWOOD**)
PHARMACEUTICAL COMPANY, INC.;)
26 **ION LABORATORIES, INC.; MEDEVA**)
PHARMACEUTICALS, INC.; EON)
27 **PHARMACEUTICALS; AND**)
DOES 1 THROUGH 500,)

28 Defendants.)

1 I, William B. Hirsch, declare:

2 I am a member of Lief, Cabraser, Heimann & Bernstein, LLP, counsel of record for
3 plaintiffs Kathy Tiffith and Sherri Sharp and counsel to proposed additional representative plaintiff Ly
4 Miller. I have personal knowledge of the following and, if called upon to testify, could and would
5 competently testify thereto:

6 1. Attached to this declaration as Exhibit A is a true and correct copy of a Press
7 Release issued by the U.S. Food and Drug Administration ("FDA") and the U.S. Department of Health
8 and Human Services ("DHHS") dated November 13, 1997 and titled, "Interim Recommendations
9 Issued for Patients Exposed to Fenfluramine and Dexfenfluramine."

10 2. Attached hereto as Exhibit B is a true and correct copy of a report entitled,
11 "Cardiac Valvulopathy Associated with Exposure to Fenfluramine or Dexfenfluramine: U.S. Departm
12 of Health and Human Services Interim Public Health Recommendations, November 14, 1997, a
13 publication of the Centers for Disease Control and Prevention, a division of DHHS.

14 3. Attached hereto as Exhibit C is a true and correct copy of a document titled,
15 "Questions and Answers Concerning the Department of Health and Human Services (DHHS) Interim
16 Recommendations for Patients Who Have Taken Either Fenfluramine or Dexfenfluramine," published
17 the FDA Center for Drug Evaluation and Research.

18 4. Attached hereto as Exhibit D is a true and correct copy of the American Heart
19 Association ("AHA") Media Advisory entitled, "American Heart Association Supports Interim
20 Guidelines for Managing Patients Who Have Taken Appetite Suppressants," released by the AHA on
21 November 13, 1997.

22 5. Attached hereto as Exhibit E is a true and correct copy of the American College
23 of Cardiology ("ACC") statement titled, "Statement of the American College of Cardiology on
24 Recommendations for Patients Who Have Used Anorectic Drugs," dated October 18, 1997 and its
25 "Comments on Public Health Recommendations for Former Diet Drug Patients ," dated November 8,
26 1997, both published on the ACC World Wide Web site at
27 <http://www.acc.org/pubs/news/statement.html>.

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1 6. Defendant American Home Products Corporation refuses to pay for the
2 necessary medical examinations and echocardiograms despite demands made through this firm that the
3 cover the costs of these procedures.

4 7. Attached hereto as Exhibit F is a true and correct copies of the Washington
5 Court's Fen/Phen medical screening class certification Order in St. John et. al. v. American Home
6 Products Corporation et. al. (Spokane Co. December 4, 1998) Case No. 97-2-06368.

7 8. Attached hereto as Exhibit G is a true and correct copy of the Texas Court's
8 Fen/Phen medical screening class certification Order in Earthman v. American Home Products, Inc.
9 (Montgomery Co., Tx. 1998) Case No. 97-10-03790-CV.

10 9. Attached hereto as Exhibit H is a true and correct copy of the Pennsylvania
11 Court's Fen/Phen medical screening class certification Order in In re: Pennsylvania Diet Drugs Litiga
12 (March 12, 1999) Master Docket No. 9709-3162.

13 10. Attached hereto as Exhibit I is a true and correct copy of the New Jersey
14 Court's Fen/Phen medical screening class certification Order in Vadino et. al. v. American Home
15 Products Corporation et. al. (Middlesex Co., N.J. January 1, 1999) No. MID-L-425-98.

16 11. Attached hereto as Exhibit J is a true and correct copy of the West Virginia
17 Court's Fen/Phen medical screening class certification in Birch v. American Home Prods. Corp.
18 (W.Va. Cir. Ct. Feb. 11, 1999) Civ. Action No. 97-V-204 (1-11).

19 12. Attached hereto as Exhibit K is a true and correct copy of the Illinois Court's
20 Fen/Phen medical screening class certification Order in Karen Rhyne, et al. v. American Home Product
21 Corp, et al., (March 8, 1999 Ill. Cir., Cook Co., Chanc. Div) No. 98 CH 04099.

22 13. Attached hereto as Exhibit L is a true and correct copy of the Court's class
23 certification Order in Alviso Community Org. v. Maciel, No. 723808, (Santa Clara Super. Ct. 1994).

24 14. Lieff, Cabraser, Heimann & Bernstein, LLP and the other firms which have
25 joined in the Tiffith and Sharp plaintiffs' motion for class certification, all of which have been appoint
26 to the JCCP 4032 Plaintiffs' Executive Committee, are qualified, experienced, and able to conduct this
27 litigation, as demonstrated by the experience and court appointments described in the Lieff, Cabraser,
28 Heimann & Bernstein, LLP firm résumé attached hereto as Exhibit M.

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15. Attached hereto as Exhibit N is a true and correct copy of proposed representative plaintiff Lydia Miller’s completed plaintiffs’ fact sheet.

I declare under the laws of the State of California that the foregoing is true and correct and that this declaration was executed in San Francisco, California on April 28, 1999.

William B. Hirsch