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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF LOS ANGELES, SOUTHEAST DISTRICT
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11 In Re:) JCCP No.: 004032
12 Diet Drug Cases,) DEPT: SE"D"
13) **STIPULATION TO ELIMINATE**
14) **PUNITIVE DAMAGES CLAIMS**
_____) **AGAINST PHARMACY DEFENDANTS**

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16 IT IS HEREBY STIPULATED AND AGREED TO, by and between plaintiffs, through
17 the Plaintiffs' Executive Committee, and pharmacy defendants, including, but not limited to,
18 Thrifty Payless, Inc. d.b.a. Rite Aid Corporation, Kamal Ghobrial, Spencer's Pharmacy,
19 American Drug Stores, Inc. d.b.a. Sav-On Drugs, Costco, Valencia Pharmacy, Lone Pine Drugs,
20 Bayview Pharmacy, Scott Valley Drugs, Papers Pharmacy, Price Rite Pharmacy, Walgreen Co.,
21 Wal-Mart Stores, Inc., Longs Drug Stores California, Inc., El Cajon Pharmacy, and Fedco, Inc.,
22 through Liaison Counsel for pharmacy defendants, that plaintiffs are not alleging punitive
23 damages against pharmacy defendants in the First Amended Master Complaint. The parties,
24 therefore, agree that none of the allegations referring to punitive damages in the First Amended
25 Master Complaint, including paragraph 89, are alleged against the pharmacy defendants. On this
26 basis alone, pharmacy defendants do not need to and will not respond to the claims of punitive
27 damages. This stipulation is being made without prejudice to plaintiffs' alleging punitive
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1 damages in a future complaint, if warranted, and pharmacy defendants' reserving the rights to
2 reassert the affirmative defenses thereto in the event plaintiffs reassert punitive damages claims.

3 DATED: May ____, 1999

ROBINSON, CALCAGNIE & ROBINSON

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6 MARK ROBINSON,
7 Plaintiffs' Liaison Counsel, On behalf of Plaintiffs'
Executive Committee

8 DATED: May ____, 1999

STONE & HILES, LLP

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12 RUSSEL D. HILES,
13 Liaison Counsel for Pharmacy Defendants

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IT IS SO ORDERED.

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DATED: July 2, 1999

18 /s/ Daniel Solis Pratt
19 JUDGE DANIEL SOLIS PRATT

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TH\Fen-Phen\General\Pleading\Stipulation.Doc

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PROOF OF SERVICE BY MAIL

(C.C.P. 1013a)

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the county of Los Angeles, State of California. I am over the age of 18 years and not a party to the within action; my business address is 9440 Santa Monica Boulevard, Penthouse, Beverly Hills, California 90210.

On July 12, 1999, I served the foregoing document(s) described as **STIPULATION TO ELIMINATE PUNITIVE DAMAGES CLAIMS AGAINST PHARMACY DEFENDANTS** on all interested parties in this action by placing ___ the original X a true copy thereof enclosed in sealed envelopes addressed as follows:

SEE ATTACHED SERVIC LIST

X BY MAIL: As follows: I am "readily familiar" with this firm's practice of collection and processing correspondence for mailing. It is deposited with U.S. postal service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one (1) day after date of deposit for mailing in affidavit.

___ BY PERSONAL SERVICE: I caused such envelope(s) to be delivered by hand to the offices of the addressee(s).

___ BY ELECTRONIC TRANSFER: I caused all of the pages on the above entitled document to be sent to the recipient(s) noted on the Proof of Service via electronic transfer (FACSIMILE) at fax number: _____.

Executed on July 12, 1999, at Beverly Hills, California.

X STATE: I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

___ FEDERAL: I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Carolyn White

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