

The Honorable Barbara Jacobs Rothstein

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 The Delaco Company under Chapter 11 of the United States Bankruptcy Code as more fully set out in the Confirmation Order.

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

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

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

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

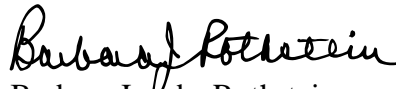
21 5. Each claimant listed in Exhibit A has settled his or her claim with the Delaco
22 Settlement Trust and consented to the dismissal of his or her claim.

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

24 That the claims identified in the chart attached to this Order as Exhibit A are dismissed
25 with prejudice and on the merits against The Delaco Company, successor by merger to

1 Thompson Medical Company, Inc., Thomson Medical Company, Inc., Chattem, Inc., Signal
2 Investment and Management Co., Sidmak Laboratories, Inc., n/k/a Pliva, Inc., the Delaco
3 Settlement Trust, the Trustee of the Delaco Settlement Trust, the Trust Advisory Committee of
4 the Delaco Settlement Trust, Miller & Martin PLLC, Special Master John E. Keefe, Sr., Lynch
5 Keefe Bartels, and/or any vendor, retailer distributor, formulator, and/or manufacturer of any
6 part of the Dexatrim Products and a Minute Entry for each case pending in MDL 1407 listed in
7 Exhibit A will be entered referring to this Order of Dismissal.

8 DATED this 23rd day of March, 2007.

9
10 
11 Barbara Jacobs Rothstein
12 U.S. District Court Judge
13

14 PRESENTED BY:

15 s/Gregory D. Shelton, WSBA #36530
16 Attorneys for Delaco Settlement Trust
17 WILLIAMS, KASTNER & GIBBS PLLC
18 601 Union Street, Suite 4100
19 Seattle, WA 98101-2380
20 Telephone: (206) 628-6600
21 Fax: (206) 628-6611
22 Email: gshelton@wkg.com
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ORDER GRANTING MOTION TO DISMISS "DELACO RELEASED
PARTIES" - 3
(MDL No. 1407)

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EXHIBIT A

DELACO MDL CASES TO BE DISMISSED

<i>Claimant</i>	<i>MDL No.</i>	<i>Parties to be Dismissed</i>
Adams, Carol	03-940	Chattem, Inc. The Delaco Company
Arias, Adalgiza	03-218	Sidmak Laboratories, Inc. The Delaco Company Chattem, Inc.
Banks, Bonnie and Edward Gray	03-219	Sidmak Laboratories The Delaco Company Thompson Medical Co., Inc. Chattem, Inc.
Barnes, Gloria	02-1769	The Delaco Company
Beauvais, Diane	04-224	The Delaco Company
Bishop, Roberta	03-1119	The Delaco Company Sidmak Laboratories, Inc. Sobel NV Chattem, Inc. Signal Investment and Management Pam Holdings, Inc. DD Plivaa Alps Pharmaceuticals
Blanchard, Elvira	03-2476	Thompson Medical Co., Inc. The Delaco Company Sidmak Laboratories, Inc. Pliva, Inc.
Blaylock, Lisa and Jim	03-614	Sidmak Laboratories, Inc. The Delaco Company Chattem, Inc. Steve Weiss & Co., Inc.
Bowey, Rochelle	04-225	The Delaco Company
Bradley, Margaret	02-1702	Chattem, Inc. Thompson Medical Co., Inc. The Delaco Company
Brookman, Marie	02-340	The Delaco Company Chattem, Inc.
Brown, Annette	04-236	Chattem, Inc. The Delaco Company Walgreen Company

ORDER GRANTING MOTION TO DISMISS "DELACO RELEASED PARTIES" - 4
(MDL No. 1407)

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Bryant, Dorothy	03-200	Chattem, Inc. The Delaco Company Thompson Medical Co., Inc. Sidmak Laboratories, Inc. Sobel NV Pliva Prague Steve Weiss & Co., Inc. Alps Pharmaceutical Ind. Co.
Campbell, Mallie	01-2141	Thompson Medical Co., Inc. Chattem, Inc. The Delaco Company
Carlee, Joyce	03-1117	The Delaco Company Sidmak Laboratories, Inc. Sobel NV Chattem, Inc. Signal Investment & Management Pam Holdings, Inc. (DE) Pam Holdings, Inc. (NJ) Plivaa DD Alps Pharmaceuticals
Caton, Sandra	03-616	Sidmak Laboratories The Delaco Company Chattem, Inc. Steve Weiss & Co., Inc.
Chambers, Pricilla	03-2094	Chattem, Inc.
Chapman, Kimberly and L. Wendell Chapman	03-1115	Chattem, Inc. The Delaco Company Sidmak Laboratories, Inc. Sobel NV Alps Pharmaceuticals Signal Investment & Management Co. Pam Holdings, Inc. (DE) Pam Holdings, Inc. (NJ) Plivaa D.D.
Chapman, Oakley and Michael E. Oakley	02-798	Chattem, Inc. The Delaco Company
Childress, Vickie	03-1381	The Delaco Company Chattem, Inc. Coleman Pharmacy
Clark, Evie Sue	03-1093	The Delaco Company Sidmak Laboratories, Inc. Sobel NV Alps Pharmaceutical Ind. Co. Ltd. Pliva DD Steve Weiss & Co., Inc.
Compton, Tammy and Mark Compton	03-609	Sidmak Laboratories, Inc. The Delaco Company Chattem, Inc. Steve Weiss & Co., Inc.

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

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1	Cook, Brenda	03-1125	Chattem, Inc. The Delaco Company Sidmak Laboratories, Inc. Sobel NV Alps Pharmaceuticals Signal Investment & Management Co. Pam Holdings, Inc. (DE) Pam Holdings, Inc. (NJ) DD Plivaa
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6	Cornfield, Lori	03-1122	The Delaco Company Sidmak Laboratories, Inc. Sobel NV Chattem, Inc. Signal Investment and Management Pam Holdings, Inc. (DE) Pam Holdings, Inc. (NJ) Plivaa DD Alps Pharmaceuticals
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10	Daigle, Weylin	04-386	The Delaco Company
11	Davis, Michael	03-214	Sidmak Laboratories, Inc. The Delaco Company Chattem, Inc.
12	Delano, Kelly	04-66 04-971	Chattem, Inc. The Delaco Company Plivaa, Inc.
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14	Dille, Angelita	03-1382	The Delaco Company Chattem, Inc. Coleman Pharmacy
15	Dobbs, David	03-2859	The The Delaco Company Sidmak Laboratories, Inc. Sobel NV Chattem, Inc. Signal Investment and Management Pam Holdings, Inc. DD Plivaa Alps Pharmaceuticals Brookshire Grocery Co.
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20	Dobrowolsky, Suzanne and Donald Dobrowolsky	03-1014	The Delaco Company Sidmak Laboratories, Inc. Sobel NV Chattem, Inc. Signal Investment and Management Pam Holdings, Inc. (DE) Pam Holdings, Inc. (NJ) Plivaa DD Alps Pharmaceuticals
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24	Donohue, Renee	03-2756	Chattem, Inc. The Delaco Company
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1	Dyson, Lydia	02-893	Chattem, Inc. Boudreaux's Family Pharmacy, Inc. The Delaco Company
2			
3	Edwards, Delores Earline	02-1373	Chattem, Inc. The Delaco Company Rite-Aid of Pennsylvania
4	Felps, Marie	03-1379	The Delaco Company Chattem, Inc. H.E. Butt Grocery Coleman Pharmacy
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6	Fetzer, Deann and Kelly Fetzer	03-941	Chattem, Inc. The Delaco Company Walgreens Company H.E. Butt Grocery
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8	Finnell, Joe C. and Isabel Finnell	03-586	Thompson Medical Co., Inc. The Delaco Company Pliva, Inc. Sidmak Laboratories, Inc.
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11	Forth, Tama	03-2161	Chattem, Inc. The Delaco Company
12	Foshee, JoAnn	04-1624	The Delaco Company
13	Garrett, Alice	03-2498	The Delaco Company Sidmak Laboratories, Inc. Sobel NV Chattem, Inc. Pam Holdings, Inc. Plivaa DD Alps Pharmaceuticals
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16	Gary, Elizabeth	01-2092	The Delaco Company Pliva, Inc. Sidmak Laboratories, Inc.
17	Gleich, Barbara	04-333	Chattem, Inc. Thompson Medical Co., Inc. Walgreen Company Wal-Mart Stores, Inc. Wal-Mart Stores East, Inc. Wal-Mart Stores East, LP Dierbergs Markets, Inc.
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21	Goodman, Kay and Tom	02-1079	Thompson Medical Co., Inc. Chattem, Inc. The Delaco Company Sidmak Laboratories Sobel NV Pliva Prague
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24	Green, Paulette	03-2027	Chattem, Inc. The Delaco Company
25	Griffin, Pamela and William F. Griffin	03-1515	Chattem, Inc. The Delaco Company

ORDER GRANTING MOTION TO DISMISS "DELACO RELEASED
PARTIES" - 7
(MDL No. 1407)

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Gwin, Deborah	03-1007	The Delaco Company Sidmak Laboratories, Inc. Sobel NV Chattem, Inc. Signal Investment and Management Pam Holdings, Inc. (DE) Pam Holdings, Inc. (NJ) Plivaa DD Alps Pharmaceuticals
Hagan, John and Paula Hagan	03-1116	Chattem, Inc. The Delaco Company Sidmak Laboratories, Inc. Sobel NV Alps Pharmaceuticals Signal Investment & Management Co. Pam Holdings, Inc. (DE) Pam Holdings, Inc. (NJ) DD Plivaa
Hagen, Pamela and Jeffrey Hagen	03-1015	The Delaco Company Sidmak Laboratories, Inc. Sobel NV Chattem, Inc. Signal Investment and Management Pam Holdings, Inc. (DE) Pam Holdings, Inc. (NJ) Plivaa DD Alps Pharmaceuticals
Hamblin, Lisa	04-375	Thompson Medical Co., Inc.
Hand, Carol and Angela Joubert Eugene Joubert	01-2105	Thompson Medical Co., Inc. The Delaco Company Plivaa DD DD Plivaa Pliva Prague Pliva, Inc. Pliva DD Sidmak Laboratories, Inc.
Hentges, Henry	02-1864	Thompson Medical Co., Inc. The Delaco Company Chattem, Inc.
Hinojosa, Teresa and Ever Hinojosa	03-1380	The Delaco Company Chattem, Inc. H.E. Butt Grocery

1	Hollingsworth, Kathleen	03-1113	The Delaco Company Sidmak Laboratories, Inc. Sobel NV Chattem, Inc. Signal Investment and Management Pam Holdings, Inc. (DE) Pam Holdings, Inc. (NJ) Plivaa DD Alps Pharmaceuticals
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6	Hrynyk, Joyce A.	03-613	The Delaco Company Pathmark Stores, Inc. Sidmak Laboratories, Inc.
7	Hudkins, Janey	03-1009	The Delaco Company Sidmak Laboratories, Inc. Sobel NV Chattem, Inc. Signal Investment and Management Pam Holdings, Inc. (DE) Pam Holdings, Inc. (NJ) Plivaa DD Alps Pharmaceuticals
8			
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12	Hyde, William	04-384	Chattem, Inc. Chattem, Inc. Consumer Products Division The Delaco Company
13	Jackson, Nadine and Clarence Jackson	01-2225	Sidmak Laboratories, Inc. The Delaco Company Thompson Medical Co., Inc.
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15	Jackson, Thelma	04-88	The Delaco Company
16	Johnson, Keith, Individually and o/b/o Estate of Janet Johnson	04-1370	Chattem, Inc. The Delaco Company Pliva, Inc.
17	Johnson, Leola (deceased, by and through her daughter, Ora Mae Pittman) and Ora Mae Pittman, Individually	01-2181	The Delaco Company DD Plivaa Pliva Prague Pliva, Inc. Pliva DD Sidmak Laboratories, Inc.
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20	Joslyn, Candy Coats	03-3023	Chattem, Inc.
21	Keys, Lillian Williams and Henry Joseph Keys	03-2145	Chattem, Inc. Thompson Medical Co., Inc. The Delaco Company
22	Kunkel, Betty	04-409	The Delaco Company
23	Ladell, Betty	03-1442	The Delaco Company Chattem, Inc.
24	Logsdon, Kelly R.	02-2355	The Delaco Company Chattem, Inc. Sidmak Laboratories, Inc.
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Lowery, Kathy	01-2104	Thompson Medical Co., Inc. Delaco Company Plivaa DD Pliva Prague Pliva, Inc. Pliva DD Sidmak Laboratories, Inc.
Magnussen, Michelle and Kraig Magnussen	03-1114	The Delaco Company Sidmak Laboratories, Inc. Sobel NV Chattem, Inc. Signal Investment and Management Alps Pharmaceuticals Pam Holdings, Inc. (DE) Pam Holdings, Inc. (NJ) DD Plivaa Pam Holdings, Inc. (f/k/a Sobel Holdings, Inc.)
Marcum, Janet and Hiram Marcum	03-220	Sidmak Laboratories, Inc. The Delaco Company Thompson Medical Co., Inc.
May, Harold	03-879	The Delaco Company f/k/a Thompson Medical Co., Inc. Chattem, Inc. Sidmak Laboratories, Inc. Sobel NV Pliva Prague Steve Weiss & Co., Inc. Alps Pharmaceuticals, Inc. Co. Ltd.
McCarty, Dickie and Jan McCarty	03-1525	The Delaco Company Chattem, Inc.
McKinney, Catherine	03-3029	Chattem, Inc.
Medrano, Gloria R. and Juan Medrano	03-247	The Delaco Company Chattem, Inc. HE Butt Grocery Company Wal-Mart Stores, Inc. Pam Holdings (DE)
Mergen, Leslie	02-759	Chattem, Inc. The Delaco Company
Miller, Anna Faye	03-942	Chattem, Inc. The Delaco Company HE Butt Grocery Co.
Montgomery, Rebecca	04-1119	Chattem, Inc.
Moore, Katherine	03-246	Thompson Medical Co., Inc. The Delaco Company Sidmak Laboratories, Inc. Pliva, Inc.

ORDER GRANTING MOTION TO DISMISS "DELACO RELEASED
PARTIES" - 10
(MDL No. 1407)

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1	Moore, Roger Dale	04-548	Chattem, Inc. The Delaco Company Pliva, Inc.
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3	Mosley, Robin	03-3525	Chattem, Inc. Thompson Medical Co., Inc. Everitt Discount Drugs
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5	Mulcahy, Sarah and Robin O'Brian Mulcahy	03-1517	The Delaco Company Chattem, Inc.
6	Neidhart, Carl	04-1617	Chattem, Inc. Chattem, Inc. Consumer Products Division
7	Ochoa, Anna	03-608	The Delaco Company Sidmak Laboratories
8	Pendleton, Thelma	04-395	Chattem, Inc. The Delaco Company
9	Peterson, Teri Jean and Steven Matthew Peterson	03-624	Chattem, Inc. Eckerd Co. Eckerd Holdings II, Inc. The Delaco Company
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11	Peterson, Teri Jean and Steven Matthew Peterson	03-3128	The Delaco Company
12	Pettet, Susan	03-2749	Sidmak Laboratories, Inc. The Delaco Company Chattem, Inc. Steve Weiss & Co., Inc.
13			
14	Pierce, Mary	03-1011	The Delaco Company Sidmak Laboratories, Inc. Sobel NV Chattem, Inc. Signal Investment and Management Pam Holdings, Inc. (DE) Pam Holdings, Inc. (NJ) Plivaa DD Alps Pharmaceuticals
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18	Pitts, Angelina	03-623	The Delaco Company
19	Powell, Betty	03-3552	Chattem, Inc. Thompson Medical Co., Inc. Wells Discount Drugs
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21	Redmond, Earl and Damita Little Redmond	02-556	Chattem, Inc. The Delaco Company
22	Reynolds, Iona Hope and Officer Thomas	03-1118	Chattem, Inc. The Delaco Company Sidmak Laboratories, Inc. Sobel NV Alps Pharmaceuticals Signal Investment & Management Co. Pam Holdings, Inc. (DE) Pam Holdings, Inc. (NJ) DD Pliva
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ORDER GRANTING MOTION TO DISMISS "DELACO RELEASED
PARTIES" - 11
(MDL No. 1407)

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Ridings, Nell	03-1123	Chattem, Inc. The Delaco Company Sidmak Laboratories, Inc. Sobel NV Alps Pharmaceuticals Signal Investment & Management Co. Pam Holdings, Inc. (DE) Pam Holdings, Inc. (NJ) DD Pliva
Ringer, Lillie	03-1010	The Delaco Company Sidmak Laboratories, Inc. Sobel NV Chattem, Inc. Signal Investment and Management Pam Holdings, Inc. (DE) Pam Holdings, (NJ) Plivaa DD Alps Pharmaceuticals
Roberson, Debbie	03-606	The Delaco Company Thompson Medical Co., Inc. Chattem, Inc.
Robinson, Margaret and Wayne Robinson	02-280	Thompson Medical Co., Inc. Target Corporation, Inc.
Roe, Gary G.	03-611	Sidemak Laboratories, Inc. The Delaco Company Chattem, Inc. Steve Weiss & Co.
Roebuck, Kitt	02-898	Thompson Medical Co., Inc. Chattem, Inc. Sav-On Drug Stores, Inc. (as it relates to Dexatrim) American Drug Stores, Inc. (as it relates to Dexatrim) Sidmak Laboratories, Inc. The Delaco Company
Schlegel, Mildred and Gary	03-1111	Sidmak Laboratories, Inc. The Delaco Company Chattem, Inc.
Schuster, Susan	04-882	Chattem, Inc. The Delaco Company Pliva, Inc.
Shivers, Robin and Jackie Shivers	04-17	Thompson Medical Co., Inc.
Slappery, Mina	01-2135	Thompson Medical Co., Inc. Chattem, Inc. Sidmak Laboratories, Inc.
Smith, Estelle S.	03-3476	Chattem, Inc.

ORDER GRANTING MOTION TO DISMISS "DELACO RELEASED PARTIES" - 12
(MDL No. 1407)

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Soland, Linda	03-1127	The The Delaco Company Sidmak Laboratories, Inc. Sobel NV Chattem, Inc. Signal Investment and Management Pam Holdings, Inc. (DE) Pam Holdings, Inc. Plivaa DD Alps Pharmaceuticals
Sopala, Diane	03-1008	The Delaco Company Sidmak Laboratories, Inc. Sobel NV Chattem, Inc. Signal Investment and Management Pam Holdings, Inc. (DE) Pam Holdings, Inc. (NJ) Plivaa DD Alps Pharmaceuticals
Stam, Anita and Joseph Stam	01-2155	Thompson Medical Co., Inc. Plivaa DD Pliva Prague Pliva, Inc. Sidmak Laboratories, Inc.
Taylor, Shirley	02-770	Thompson Medical Co., Inc. The Delaco Company Chattem, Inc.
Tedesco, Tammy and Mike Tedesco	01-1570	Thompson Medical Co., Inc. Chattem, Inc. The Delaco Company Sidmak Laboratories, Inc. Sobel NV Steve Weiss & Co., Inc. Pliva Prague Plivaa DD DD Plivaa Pliva, Inc.
Trevino, Yolanda	03-474	Chattem, Inc.
Vaughn, Helen	02-758	Chattem, Inc. Sidmak Laboratories, Inc. The Delaco Company
Ward, Teresa	02-769	Thompson Medical Co., Inc. The Delaco Company Chattem, Inc.
Whaley, Barbara J.	02-2605	Chattem, Inc.
Wilborn, Denise	04-235	Chattem, Inc. The Delaco Company
Williams, Dora and Donny Williams	04-1621	Chattem, Inc. Thompson Medical Co., Inc. Pliva, Inc.

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Williams, Mary	02-1263	The Delaco Company Chattem, Inc. Sidmak Laboratories, Inc. Sobel NV Pliva Prague Steve Weiss & Co., Inc. Alps Pharmaceutical Ind. Co. Ltd.
Wilson, Patricia and Stephen	03-1120	The Delaco Company Sidmak Laboratories, Inc. Sobel NV Signal Investment and Management Pam Holdings, Inc. (DE) Pam Holdings, Inc. (NJ) Plivaa DD Alps Pharmaceuticals
Wray, Judy K.	03-615	The Delaco Company Chattem, Inc. Steve Weiss & Co., Inc. Sidmak Laboratories, Inc.
Wright, Edgar	03-349	Thompson Medical Co., Inc. The Delaco Company Sidmak Laboratories, Inc. Pliva, Inc.
Young, Mark	03-1124	The Delaco Company Sidmak Laboratories, Inc. Sobel NV Chattem, Inc. Signal Investment and Management Pam Holdings, Inc. (f/k/a Sobel Holdings, Inc.) Pam Holdings, Inc. (NJ) Pam Holdings, Inc. (DE) Plivaa DD Alps Pharmaceuticals
Zaerr, Patty	04-234	The Delaco Company