

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: DIET DRUGS
(PHENTERMINE/FENFLURAMINE/
DEXFENFLURAMINE) PRODUCTS LIABILITY
LITIGATION

MDL NO. 1203

THIS DOCUMENT RELATES TO: SHEILA BROWN, ET
AL. V. AMERICAN HOME PRODUCTS CORPORATION

CIVIL ACTION
No. 99-20593

**ANNUAL REPORT OF THE CARDIOVASCULAR MEDICAL RESEARCH AND
EDUCATION FUND, INC. FOR THE YEAR ENDED DECEMBER 31, 2008**

I. INTRODUCTION

The Class Action Settlement authorized the creation of the Cardiovascular Medical Research & Education Fund, Inc. (“CMREF” or “the Fund”) for purposes of financing “medical research related to treatment and cure of Primary Pulmonary Hypertension...” See Bylaws of the Cardiovascular Medical Research & Education Fund, Inc. at § 2.B (appended as Exhibit “B” to the Fifth Amendment approved by the Court in Pretrial Order No. 2677). The CMREF is required to furnish an annual report to the Court following the close of the Foundation’s fiscal year. *Id.* at § 6.N(I). This is the Annual Report of the CMREF for the year ended December 31, 2009.

II. FINANCIAL REPORT

Attached as Exhibit “A” to this Annual Report are the compiled financial statements of the CMREF prepared by the Certified Public Accountants employed by the Fund. These reports show the assets and liabilities of the CMREF as of the end of the Fund’s fiscal year, the principal

changes in assets and liabilities, the revenue and receipts of the Fund, and the expenses and disbursements made by the Fund.

III. GRANTEE ACTIVITIES

As set forth in the previous Annual Reports filed by the Fund, CMREF has sponsored a nationwide group of researchers with the main goal of uncovering the causes and pathogenesis of Idiopathic Pulmonary Arterial Hypertension (IPAH)¹ in pursuit of the prevention and cure of this disease. This group was funded to operate as a coordinated research network and has done so as the “Pulmonary Hypertension Breakthrough Initiative” or “PHBI.”

Efforts to uncover the causes of IPAH have heretofore been handicapped by the lack of appropriate human lung tissues for histological, immunohistological, gene microarray, proteomic, metabolic and cell culture studies. Consequently, the main priority of the PHBI has been to establish Transplant and Preparation Centers (“TPCs”) to provide and bank explanted lung tissues and blood samples from IPAH and other lung transplant patients to be used for research. Under the study protocols adopted by the PHBI, prepared cells, lung tissue and blood from the TPCs are to be stored and managed by Processing Centers at the University of Pennsylvania, Johns Hopkins and the University of Alabama. Associated relevant clinical data are to be maintained by the Data Coordinating Center (DCC) at the University of Michigan. The stored clinical specimens and relevant clinical data are distributed to researchers within the network and used for research designed to better understand IPAH.

¹ “Idiopathic Pulmonary Arterial Hypertension” is the nomenclature currently used by the medical profession to describe the disease formerly known as “Primary Pulmonary Hypertension.”

Thus far, PHBI has enrolled 95 unique patients, collected a total of 145 blood draws obtained lung tissue explanted from 41 IPAH patients, lung tissue from 2 “warm autopsies” and tissue from 18 failed donor (i.e., control) lungs. In addition, numerous articles and abstracts have been published and submitted for publication based, in whole or in part, on the biologic material collected by PHBI. These articles, abstracts and publications are listed in Exhibit “B” hereto.

The CMREF is pleased with the progress made by its grantees in establishing and operating the Pulmonary Hypertension Breakthrough Initiative and believes that it will continue to produce research that will facilitate a better understanding of IPAH that will in turn lead to improved treatments for those who suffer from this disease.

/s/ John Newman, M.D.
JOHN NEWMAN, M.D., PRESIDENT

/s/ Stuart Land
STUART LAND, ESQUIRE, SECRETARY

/s/ Michael D. Fishbein
MICHAEL D. FISHBEIN, ESQUIRE, TREASURER

Exhibit “A”

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the forgoing Annual Report of the Cardiovascular Medical Research and Education Fund, Inc. for the Year Ended December 31, 2008 was filed electronically this ___ day of April, 2010 and is available for viewing and downloading from the ECF System of the United States District Court for the Eastern District of Pennsylvania.

/s/ Michael D. Fishbein
Michael D. Fishbein