

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

UNITED STATES OF AMERICA	:	CRIMINAL NO. : _____
	:	
v.	:	DATE FILED : _____
	:	
DEE LYNN ANDREWS	:	VIOLATIONS:
a/k/a “DeeLynn Andrews,”	:	18 U.S.C. §§ 1341, 1349 (mail fraud -
a/k/a “Lynn Andrews,”	:	3 counts)
a/k/a “Debra Andrews,”	:	18 U.S.C. §§ 1343, 1349 (wire fraud -
a/k/a “Debra Simpson,”	:	3 counts)
a/k/a “Deb Simpson,”	:	
a/k/a “DeLynn Campbell”	:	

INDICTMENT

COUNTS ONE THROUGH THREE

THE GRAND JURY CHARGES THAT:

At all times material to this indictment:

THE FEN-PHEN LITIGATION

1. Pondimin (also known as fenfluramine), and Redux (also known as dexfenfluramine), were prescription diet drugs that were distributed through doctors and weight loss clinics. When Pondimin and/or Redux were taken in combination with Phentermine, it was popularly referred to as Fen-Phen.

2. On September 15, 1997, American Home Products Corporation, later known as Wyeth (collectively “Wyeth”), withdrew the diet drugs Pondimin and Redux (the “Diet Drugs”) from the market. Prior to 1997, and continuing to the present, individuals who had ingested Pondimin and/or Redux, alone, or in combination with Phentermine, filed individual lawsuits and class actions in federal and state courts against Wyeth and others, alleging that the

use of the Diet Drugs had, or may have, adversely affected their health. The alleged injuries included: heart valve regurgitation, valvular heart disease, or an increased risk of developing these conditions. The lawsuits sought remedies including monetary damages, medical monitoring and screening.

3. On or about December 10, 1997, the Judicial Panel on Multidistrict Litigation transferred all federal Diet Drug cases to the United States District Court for the Eastern District of Pennsylvania (the “District Court”) for coordinated or consolidated pretrial proceedings before the Honorable Louis C. Bechtle, Chief Judge Emeritus. The matter was reassigned to Chief Judge Harvey Bartle III on or about June 29, 2001.

4. Counsel for plaintiffs and Wyeth prepared and presented to the Court a proposed nationwide class action settlement agreement (“Settlement Agreement”) and related documents, seeking certification of a proposed settlement class. On or about November 23, 1999, the District Court, in Pretrial Order No. 997, preliminarily approved the settlement class. On or about August 28, 2000, the District Court issued Memorandum and Pretrial Order No. 1415 approving the Settlement Agreement.

5. Pursuant to the Settlement Agreement, on or about September 1, 2000, the AHP Settlement Trust (“Trust”) was established by order of the District Court. The Trust is a special purpose entity established to administer the provisions of the Settlement Agreement. The Trust is overseen by trustees appointed by the District Court. The Trust has, at all times, been located in the Eastern District of Pennsylvania.

6. The Trust administers and processes the claims of, and makes payments of benefits to, members of the settlement class who registered pursuant to the terms of the Settlement Agreement and filed claims with the Trust in connection with their use of Pondimin and Redux. These benefits, and associated administrative costs, are paid by the Trust with funds supplied by Wyeth.

7. The Settlement Agreement provided for a variety of benefits, including refunds for costs of the Diet Drugs, medical monitoring, and some medical treatment. The Settlement Agreement also provided for compensation for class members who could demonstrate the existence of certain defined valvular heart conditions. Financial compensation for such valvular heart conditions was determined under a pre-established matrix. The so called "Matrix Benefits" were determined by several factors; these included the length of time the claimant used the Diet Drugs, the severity of the claimant's valvular heart condition, and the claimant's age.

8. To be eligible for any benefits under the Settlement Agreement, an individual must (a) have ingested the Diet Drugs, alone or in combination with any other substance, and (b) have "registered" with the Trust. Registration with the Trust was accomplished by filing a "Blue Form" or a "Pink Form" with the Trust.

9. Each claimant filing a Blue Form with the Trust was required to submit specified types of evidence to substantiate that he or she had in fact been prescribed one or more of the Diet Drugs. Evidence accepted by the Trust included pharmacy records or physicians' records showing that one or more of the Diet Drugs had been prescribed and purchased.

10. Claimants eligible to receive “Matrix Benefits” under the Settlement Agreement were those individuals who had ingested the Diet Drugs and who could establish serious levels of valvular heart disease. Such individuals were also referred to as “FDA positive,” indicating that they had tested positive for at least moderate heart damage. Individuals seeking such Matrix Benefits were required to file a separate “Green Form” with the Trust.

11. Each claimant for Matrix Benefits was required to submit, among other things, a recording of an echocardiogram and a corresponding cardiologist’s echocardiogram report. The average Matrix payment from the Trust was in excess of \$350,000.

12. An alternate route by which a claimant could receive substantial benefits as a consequence of having ingested the Diet Drugs would be to file an “Orange Form” with the Trust. A claimant who filed an Orange Form preserved his or her right to file a lawsuit against Wyeth for Diet Drug related injuries.

THE DEFENDANT

13. Defendant DEE LYNN ANDREWS was, at times relevant to this indictment, a resident of Florida and Arizona. Defendant ANDREWS was also known by the names Debra Simpson, Debra Campbell, Debra Andrews, DeLynn Campbell, Lynn Andrews, Deb Simpson, and combinations of those names.

14. On or about October 4, 2000, defendant DEE LYNN ANDREWS caused a lawsuit to be filed in the name Debra Simpson against, among others, Wyeth. That lawsuit, filed in the court of Orange County, Florida, alleged that Debra Simpson had ingested the Diet Drug Pondimin, and sought damages.

15. On or about January 19, 2001, defendant DEE LYNN ANDREWS entered into a settlement agreement with Wyeth. Under that agreement, Wyeth paid defendant ANDREWS about \$200,000. In return, defendant ANDREWS signed a release in which she promised, among other things, not to sue Wyeth for any claim arising out of ANDREWS' purchase, use, or ingestion of the Diet Drugs Pondimin and Redux.

THE SCHEME

16. From on or about January 19, 2001, to on or about August 30, 2005, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendant

**DEE LYNN ANDREWS,
a/k/a "DeeLynn Andrews,"
a/k/a "Lynn Andrews,"
a/k/a "Debra Andrews,"
a/k/a "Debra Simpson,"
a/k/a "Deb Simpson,"
a/k/a "DeLynn Campbell,"**

devised and intended to devise a scheme to defraud the Trust and Wyeth, and to obtain money and property from the Trust and Wyeth, by means of knowingly false and fraudulent pretenses, representations and promises.

MANNER AND MEANS

It was part of the scheme that:

17. Notwithstanding the waiver and promise not to sue that she made as part of her January 19, 2001 settlement agreement with Wyeth, defendant DEE LYNN ANDREWS retained multiple lawyers, failed to disclose to each lawyer the existence of the other lawyers, and then represented to each of those lawyers that she had purchased Fen-Phen, had ingested Fen-Phen, and had not previously filed or settled a lawsuit relating to Fen-Phen.

18. Notwithstanding her waiver and promise not to sue, defendant DEE LYNN ANDREWS filed multiple forms with the Trust, or caused her lawyers to file multiple forms with the Trust, in order to register ANDREWS for benefits to which she was not entitled.

19. Notwithstanding her waiver and promise not to sue, and notwithstanding the fact that she had already collected all of the compensation to which she was entitled, defendant DEE LYNN ANDREWS filed multiple lawsuits under different names against Wyeth and others seeking compensation for damages arising from her alleged ingestion of Fen-Phen.

The Debra Andrews Claim

20. On or about May 27, 2002, seeking to obtain money to which she was not entitled, defendant DEE LYNN ANDREWS, under the name Debra Andrews, retained an attorney, who is identified for the purposes of this indictment as Law Firm No. 1, to represent her in connection with claims against Wyeth and the Trust.

21. On or about May 27, 2002, defendant DEE LYNN ANDREWS, under the name Debra Andrews, completed and mailed a Blue Form to Attorney No. 1. That form misidentified her social security number by transposing two digits, listed her actual date of birth, designated Attorney No. 1 as her counsel of record, and reflected that she had ingested the diet drug Pondimin for 61 days or more.

22. On or about July 23, 2002, Law Firm No. 1 submitted the Blue Form to the Trust that had been completed by defendant DEE LYNN ANDREWS, under the name Debra Andrews.

The Deb S. Simpson Claim

23. On or about July 31, 2002, defendant DEE LYNN ANDREWS, under the

name Deb S. Simpson, completed and mailed a Blue Form to the Trust in order to register for settlement benefits which she was not entitled to receive. That form listed her actual social security number and actual date of birth, designated a law firm, identified for the purposes of this indictment as Law Firm No. 2, as her counsel of record, and reflected that she had ingested the diet drug Pondimin for 61 days or more.

The De Lynn A. Campbell Claim and The Campbell Lawsuit

24. On or about December 31, 2002, defendant DEE LYNN ANDREWS completed and signed a Blue Form under the name De Lynn A. Campbell. That form listed her actual social security number and actual date of birth, designated another law firm, identified for the purposes of this indictment as Law Firm No. 3, as her counsel of record, and reflected that she had ingested the diet drug Pondimin for 61 days or more. Defendant ANDREWS represented to Law Firm No. 3 that she had never previously received any money from any source for her Fen-Phen claim.

25. On or about January 10, 2003, defendant DEE LYNN ANDREWS transmitted that Blue Form to Law Firm No. 3 in order to register for settlement benefits with the Trust to which she was not entitled.

26. On or about March 31, 2004, defendant DEE LYNN ANDREWS caused Law Firm No. 3, through its local counsel, to file, in the Superior Court of New Jersey, Civil Complaint No. L-5161-04, under the name DeLynn Campbell (the “Campbell Lawsuit”), in which defendant ANDREWS sued, among others, Wyeth, to recover damages that ANDREWS allegedly suffered as a result of her ingestion of the diet drug Pondimin. Defendant ANDREWS’ complaint enclosed an Orange Form executed by ANDREWS in the name De Lynn Campbell that designated Law Firm No. 3 as her counsel to represent her in Fen-Phen related litigation.

The Deborah L. Andrews Opt-Out

27. On or about April 25, 2003, defendant DEE LYNN ANDREWS caused another law firm, identified for the purposes of this indictment as Law Firm No. 4, to mail from Dallas, Texas to the Trust in Philadelphia an Orange Form in the name of Deborah L. Andrews. That form designated Law Firm No. 4 as ANDREWS’ counsel and certified that ANDREWS was qualified to exercise an opt-out right under the Settlement Agreement, therefore permitting her to file a lawsuit to recover for injuries she purportedly sustained as a consequence of having ingested the Diet Drugs. Defendant ANDREWS further certified, subject to penalty of perjury, that the information provided on the Orange Form was true and correct to the best of her knowledge, information and belief.

The D. Lynn Andrews Claim and The Dee Andrews Lawsuit

28. On or about January 31, 2003, defendant DEE LYNN ANDREWS caused another law firm, identified for the purposes of this indictment as Law Firm No. 5, to mail from Ft. Worth, Texas to the Trust in Philadelphia an Orange Form in the name of D. Lynn Andrews.

That form misidentified her social security number by changing the first digit from a “3” to a “2,” listed her actual date of birth, designated Law Firm No. 5 as ANDREWS’ lawyer, and certified that defendant ANDREWS was qualified to exercise an opt-out right under the Settlement Agreement. In that Orange Form, ANDREWS further certified, subject to penalty of perjury, that the information provided on the Orange Form was true and correct to the best of her knowledge, information and belief.

29. On or before January 31, 2003, Law Firm No. 5 prepared a civil complaint under the name Dee Lynn Andrews, in which defendant DEE LYNN ANDREWS sued, among others, Wyeth, to recover damages that ANDREWS allegedly suffered as a result of the ingestion of the diet drug Pondimin.

30. On or about January 31, 2003, defendant DEE LYNN ANDREWS executed and sent to an attorney at Law Firm No. 5 a verification under the name Lynn Andrews in which she verified, under penalties relating to unsworn falsification to authorities, that the statements made in her civil complaint under the name Dee Lynn Andrews were true and correct to the best of her knowledge, information and belief.

31. On or about January 31, 2003, defendant DEE LYNN ANDREWS caused Law Firm No. 5, through their local counsel, to file in the Philadelphia Court of Common Pleas, Civil Complaint No. 004501, under the name Dee Lynn Andrews (the “Dee Andrews Lawsuit”), in which defendant ANDREWS sued, among others, Wyeth, to recover damages that ANDREWS allegedly suffered as a result of the ingestion of the Fen-Phen drug Pondimin.

32. On or about May 6, 2003, defendant DEE LYNN ANDREWS caused Law Firm No. 5 to mail from Ft. Worth, Texas to the Trust in Philadelphia an Orange Form in the name of Debra L. Andrews. That form designated Law Firm No. 5 as defendant ANDREWS' lawyer and certified that she was qualified to exercise an opt-out right under the Settlement Agreement. That form qualified defendant ANDREWS to file a lawsuit to recover for injuries purportedly sustained by her as a consequence of having ingested the Diet Drugs. In that Orange Form, defendant ANDREWS further certified, subject to penalty of perjury, that the information provided on the Orange Form was true and correct to the best of her knowledge, information and belief. That same package included a Blue Form in the name of D Lynn L. Andrews. The Blue Form listed her actual social security number and actual date of birth, designated an attorney at Law Firm No. 5 as her counsel of record, and reflected that she had ingested the diet drug Pondimin for 61 days or more.

The Matrix Request

33. On or about March 31, 2004, the Trust sent a check to the defendant DEE LYNN ANDREWS in the amount of \$61.00 under the name Deb. L. Andrews, care of Law Firm No. 2. The check was based on a claim submitted by ANDREWS for a drug refund.

34. On or about April 26, 2004, defendant DEE LYNN ANDREWS, under the name Deb L. Andrews, wrote to the Trust. That correspondence was handwritten on the form used to enclose the \$61.00 drug refund check. In that correspondence, defendant ANDREWS advised that she had a new address and that she had been "diagnosed FDA Positive." She requested that she be sent a "Green Form" in order to obtain "Matrix Level Benefits" from the Trust.

The Lynn Andrews Lawsuit

35. On or about April 26, 2004, defendant DEE LYNN ANDREWS caused another attorney, identified for the purposes of this indictment as Law Firm No. 6, to file, in the Philadelphia Court of Common Pleas, Civil Complaint No. 007715, under the name Lynn Andrews (the “Lynn Andrews Lawsuit”), in which defendant ANDREWS sued, among others, Wyeth, to recover damages that ANDREWS allegedly suffered as a result of the ingestion of the diet drugs Pondimin and Redux.

36. The complaint in the Lynn Andrews Lawsuit had attached to it an Orange Form executed by defendant DEE LYNN ANDREWS in the name Lynn Andrews. That Orange Form designated another law firm, identified for the purposes of this indictment as Law Firm No. 7, as her counsel in Fen-Phen related litigation. In that Orange Form, ANDREWS certified, subject to penalty of perjury, that to the best of her knowledge, information and belief, all of the information provided on the Orange Form was true and correct to the best of her knowledge, information and belief.

37. On or about May 28, 2004, defendant DEE LYNN ANDREWS executed a verification under the name Lynn Andrews in which she verified, under penalties relating to unsworn falsification to authorities, that the statements made in her civil complaint were true and correct to the best of her knowledge, information and belief.

38. On or about July 16, 2004, defendant DEE LYNN ANDREWS caused Law Firm No. 6, to file in the Philadelphia Court of Common Pleas the May 28, 2004 verification to her civil complaint in the Lynn Andrews Lawsuit.

The Depositions In The Dee Andrews Lawsuit

39. On or about July 7, 2005, defendant DEE LYNN ANDREWS received by telefacsimile a copy of a notice issued by Wyeth that required defendant ANDREWS to testify at a deposition in the civil action filed by ANDREWS as the Dee Andrews Lawsuit.

40. The deposition of defendant DEE LYNN ANDREWS was held on July 8, 2005 at the offices of Wyeth's counsel in Philadelphia, Pennsylvania. Defendant ANDREWS attended in person. She was represented by an attorney D.S., Esquire, who was working on behalf of Law Firm No. 5, and who attended by telephone conference call from Texas.

41. At the July 8, 2005 deposition, defendant DEE LYNN ANDREWS was placed under oath and, among other things, testified that: (a) she had not used the last name Campbell since the 1980s; (b) she had not used the last name Simpson since she was 16 years old; and (c) that she had not yet received any cash for her Fen-Phen claim.

42. At the July 8, 2005 deposition, defendant DEE LYNN ANDREWS identified an updated plaintiff's fact sheet that had been transmitted by facsimile from her attorneys in Texas to Wyeth's attorneys in Pennsylvania on or about July 2, 2005. That document provided information about defendant ANDREWS and her claim in connection with, and for the purposes of pursuing the Dee Andrews Lawsuit.

43. On or about August 25, 2005, attorneys for Wyeth issued a notice of deposition for the purpose of completing the testimony of defendant DEE LYNN ANDREWS in the Dee Andrews Lawsuit. That notice was sent by Wyeth's attorneys by U.S. Mail to ANDREWS' attorney, Law Firm No. 5, in Fort Worth, Texas. It required that ANDREWS appear to have her deposition taken under oath on August 30, 2005, at the offices of Wyeth's

counsel in Philadelphia, Pennsylvania.

44. Defendant DEE LYNN ANDREWS appeared in person at the offices of Wyeth's counsel in Philadelphia, Pennsylvania to complete her deposition testimony. She was again represented by attorney D.S., Esquire from law Firm No. 5, who attended by telephone conference call from Texas.

45. At the August 30, 2005 deposition, defendant DEE LYNN ANDREWS was placed under oath and, among other things, testified that: (a) she had read the transcript of the July 8, 2005 deposition and had no changes of substance to make; (b) that, at various times in her life, she had signed documents as Debra L. Simpson; and (c) that the signature "Debra L. Simpson" which appeared on a Settlement Agreement and Release document dated January 19, 2001 was her signature. The Settlement Agreement and Release document identified by defendant ANDREWS was, in fact, the document that she had signed on or about January 19, 2001 as part of a settlement with Wyeth that resulted in a payment of \$200,000 to defendant ANDREWS and which included ANDREWS' agreement not to sue Wyeth for any claim arising out of ANDREWS' purchase, use, or ingestion of Pondimin.

46. At the August 30, 2005 deposition, after acknowledging the authenticity of her signature on the Settlement Agreement and Release document, defendant DEE LYNN ANDREWS instructed her counsel to dismiss the Dee Andrews Lawsuit.

47. On or about each of the dates set forth below, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendant

**DEE LYNN ANDREWS,
a/k/a “DeeLynn Andrews,”
a/k/a “Lynn Andrews,”
a/k/a “Debra Andrews,”
a/k/a “Debra Simpson,”
a/k/a “Deb Simpson,”
a/k/a “DeLynn Campbell,”**

for the purpose of executing the scheme described above, and attempting to do so, knowingly caused to be delivered by the United States Postal Service, according to the directions thereon, the documents listed below, each mailing constituting a separate count:

COUNT	DATE	TO	FROM	DESCRIPTION
1.	April 26, 2004	Trust, in Philadelphia, Pennsylvania	Deb L. Andrews, in Phoenix, Arizona	Correspondence requesting green form.
2.	May 17, 2004	Wyeth, in Philadelphia, Pennsylvania	Law Firm No. 6, in Media, Pennsylvania	Correspondence enclosing Lynn Andrews Complaint No. 007715
3.	August 25, 2005	Law Firm 5, in Ft. Worth, Texas	Wyeth’s attorneys, in Philadelphia, Pennsylvania	Notice of Deposition of Dee Lynn Andrews

All in violation of Title 18, United States Code, Sections 1341 and 1349.

COUNTS FOUR THROUGH SIX

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 15 of Count One are incorporated here.
2. From on or about January 19, 2001, to on or about August 30, 2005,

defendant

**DEE LYNN ANDREWS,
a/k/a “DeeLynn Andrews,”
a/k/a “Lynn Andrews,”
a/k/a “Debra Andrews,”
a/k/a “Debra Simpson,”
a/k/a “Deb Simpson,”
a/k/a “DeLynn Campbell,”**

devised and intended to devise a scheme to defraud the Trust and Wyeth, and to obtain money and property from the Trust and Wyeth by means of knowingly false and fraudulent pretenses, representations and promises.

MANNER AND MEANS

3. It was part of the scheme that defendant DEE LYNN ANDREWS engaged in the manner and means described in paragraphs 17 through 46 of Count One of this indictment.

4. On or about each of the dates set forth below, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendant

**DEE LYNN ANDREWS,
a/k/a “DeeLynn Andrews,”
a/k/a “Lynn Andrews,”
a/k/a “Debra Andrews,”
a/k/a “Debra Simpson,”
a/k/a “Deb Simpson,”
a/k/a “DeLynn Campbell,”**

for the purpose of executing the scheme described above, and attempting to do so, caused to be

transmitted by means of wire communication in interstate commerce the signals and sounds described below for each count, each transmission constituting a separate count:

COUNT	DATE	DESCRIPTION
4.	July 7, 2005	Telefacsimile transmission of Amended Notice of Deposition of Dee Lynn Andrews from Philadelphia to Texas.
5.	July 8, 2005	Telephone conference call of attorney D.S., Esquire in Texas, participating in the deposition of defendant Dee Lynn Andrews in Philadelphia, Pennsylvania.
6.	August 30, 2005	Telephone conference call of attorney D.S., Esquire in Texas, participating in the continued deposition of defendant Dee Lynn Andrews in Philadelphia, Pennsylvania.

All in violation of Title 18, United States Code, Sections 1343 and 1349.

A TRUE BILL:

FOREPERSON

LAURIE MAGID
United States Attorney