

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

In re: Vitamins Antitrust Class Actions

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Misc. No. 99-0197

ORDER

On February 1, 1999, the Court issued an Order in which it noted the complexity of the issues involved in these cases and certain motions pending before it and ordered counsel to meet and confer with respect to whether the Court should appoint a special master under Rule 53 of the Federal Rules of Civil Procedure to address issues of jurisdictional discovery. While plaintiffs initially opposed the appointment, they later consented to it. The parties then filed a joint response to the Court's February 1, 1999 Order proposing three candidates for special master. The Court instructed the parties by telephone that it would appoint Stephen J. Pollak, Esq. as special master from among the names proposed.

Upon consideration of defendant BASF Corporation's unopposed motion for entry of an Order appointing a special master, and in light of the agreement of the parties and the complicated issues that are present in this action, it is hereby ORDERED that:

1. Stephen J. Pollak, Esq. (the "Master") is appointed pursuant to Rule 53 of the Federal Rules of Civil Procedure as special master in this action for the purpose of considering matters referred to him as described in Paragraph 2 below. The Master shall have the rights, powers and duties provided in Rule 53 and may adopt such procedures as are not inconsistent with that rule or with this or other Orders of the Court.

2. The following matters are referred to the Master:
 - a. The scope of and procedures for discovery (if any) that is appropriate and necessary so that the Court may resolve foreign defendants' pending and additional motions to dismiss based upon lack of jurisdiction and/or improper service of process; and
 - b. Any other such complicated matters that all parties agree to present to the Master for his consideration and for a report to the Court.
3. The Master shall report expeditiously to the Court pursuant to Rule 53(e) as applicable. Such parts of the report, if any, as may be confidential shall be filed under seal pending further Order of the Court.
4. The Master shall be compensated at a rate of \$365/hour and shall bill the parties for his time (together with reimbursement for reasonable expenses incurred) on a monthly basis. Plaintiffs shall be jointly responsible for paying one-half of the Master's fees and expenses; defendants shall be jointly responsible for paying the other one-half of the Master's fees and expenses. Final allocation of these amounts shall be subject to taxation as costs at the conclusion of the case at the discretion of the Court. The Master may employ other persons to provide legal, clerical and secretarial assistance; such persons shall be under the supervision and control of the Master, who shall take appropriate action to insure that such persons preserve the confidentiality of matters submitted to the Master for review.

5. A copy of this Order shall be mailed by the Clerk to the Master and to all counsel having appeared for the parties.

SO ORDERED.

PAUL L. FRIEDMAN
United States District Judge

DATE: