

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

IN RE LORAZEPAM AND
CLORAZEPATE ANTITRUST
LITIGATION

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

MYLAN LABORATORIES, INC.,
CAMBEX CORP., PROFARMACO S.R.L.,
and GYMA LABORATORIES OF AMERICA, INC.,

Defendants.

CASE NUMBER MDL 1290
Misc. No. 99-276 (TFH/JMF)

JUDGE: THOMAS F. HOGAN

98-CV-3114 (TFH)

FILED

APR 27 2001

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

STIPULATION AND ORDER REGARDING DEPOSITIONS

WHEREAS, plaintiffs in case number 1:99-CV-00790 (consolidated with case number 99 C228 [U.S. District Court for the Northern District of Illinois] the "Advocate Action"), Advocate Health Care, St. Charles Hospital and Rehabilitation Center, Dik Drug Company and Harvard Pilgrim Health Care, Inc. (the "Advocate Plaintiffs") have entered into a memorandum of understanding with defendant SST Corporation ("SST") regarding a settlement of all claims against SST in the Advocate Action (the "Proposed Advocate-SST Settlement");

WHEREAS, plaintiffs in case number 1:99-CV-01802, United Wisconsin Services, Inc., Blue Cross Blue Shield of Kansas, and Group Hospitalization and Medical Services Inc. have agreed to settlements with Mylan Laboratories, Inc., Mylan Pharmaceuticals, Inc., Cambrex Corporation, Gyma Laboratories of America, Inc. (together with Profarmaco S.r.l. ["Profarmaco"], the "Mylan Defendants") and SST, which are subject to Court approval (the "United Wisconsin Settlements");

WHEREAS, plaintiff in case number 1:01CV00159, Arkansas Carpenters Health and Welfare Fund has agreed in principle to settlements with the Mylan Defendants (exclusive of Profarmaco) and SST, which are subject to Court approval (the "Arkansas Carpenters Settlements");

WHEREAS, plaintiffs in case number 1:98CV03115, the States and Commonwealths of the United States of America have agreed to settlements with the Mylan Defendants and SST, which are subject to Court approval (the "State AGs Settlements");

WHEREAS, plaintiff in case number 1:98CV3114, the Federal Trade Commission has agreed to a settlement with the Mylan Defendants, which is subject to Court approval (the "FTC Settlement").

WHEREAS, the Court, on January 2, 2001, granted the Advocate Plaintiffs' motion to compel the production of Mylan employees Milan Puskar, Richard Stupar, and Roderick Jackson for depositions relating to class certification and standing issues in the Advocate Action;

WHEREAS, certain other depositions on class certification and standing issues may be scheduled in the Advocate Action, and

WHEREAS the Court has suspended general fact discovery in the Advocate Action until 30 days from the Court's decision on class certification issues,

IT IS HEREBY STIPULATED AND AGREED, by and among the undersigned parties, through their undersigned counsel, that:

1. If any of the United Wisconsin Settlements, Arkansas Carpenters Settlements, State AGs Settlements, FTC Settlement or Proposed Advocate-SST Settlement are not consummated, or the effective date does not take place for any reason, the parties to such settlements reserve the right to reopen such depositions and examine the witnesses, and shall not be prejudiced in any way as a result of not attending such depositions.

2. The Mylan Defendants shall reserve their rights to make motions pursuant to Rule 26 of the Federal Rules of Civil Procedure, however, such motions shall not be based solely on the fact that the proposed deponent has already been deposed in the Advocate Action.

3. This Stipulation may be executed in two or more counterparts, each of which shall be deemed an original and all of which together shall constitute one and the same instrument.

Dated: January 31, 2001

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SO ORDERED:

James F. Hogan
April 27, 2001

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