

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

MAY 25 2000

NANCY MAYER-WHITTINGTON, CLERK
U.S. DISTRICT COURT

IN RE: VITAMIN ANTITRUST LITIGATION

MDL No. 1285

Misc. No. 99-0197 (TFH)

THIS DOCUMENT RELATES TO:

Blue Seal Feeds, Inc., et al v. Akzo Nobel, Inc., et al
Case No. 99-CV-2683 (TFH)

Marshall Durbin Farm, et al. v. Akzo Nobel, Inc. et al.
Case No. 99-CV-2785 (TFH)

Tyson Food, Inc., et al v. Akzo Nobel, Inc., et al.
Case No. 99-CV-2681 (TFH)

Southern States, et al. v. Akzo Nobel, Inc., et al.
Case No. 99-CV-2685 (TFH)

Cactus Operating, et al. v. Akzo Nobel, Inc., et al.
Case No. 99-CV-2684 (TFH)

Countrymark Cooperative, Inc. v. Akzo Nobel, Inc., et al.
Case No. 99-CV-234 (TFH)

Hormel Foods Corp., et al. v. Akzo Nobel, Inc., et al.
Case No. 99-CV-1780 (TFH)

RECEIVED
MAY 23 2000
Judge
THOMAS F. HOGAN

STIPULATED ORDER CONCERNING ANSWERS TO COMPLAINTS

IT IS HEREBY STIPULATED AND AGREED, by and between plaintiffs in each of the above captioned cases and defendants Akzo Nobel Inc., Akzo Nobel Chemicals B.V., BASF Corporation, ConAgra, Inc., Daiichi Pharmaceutical Co. Ltd., Daiichi Pharmaceutical Corporation, Daiichi Fine Chemicals, Inc., DCV, Inc., Degussa-Huls, Inc., DuCoa, L.P., E.I. du

Pont de Nemours & Co., Lonza Inc., Reilly Industries, Inc., Takeda Vitamin & Food USA, Inc., Takeda U.S.A., Inc., and UCB, Inc., as follows:

1. That the time in which each defendant who has been properly served in the above actions shall have to answer, move against, or otherwise respond to the complaints in each of the above actions shall be extended until thirty (30) days after the Plaintiffs' service of its First Amended Complaint in Blue Seal Feeds, Inc. v. Akzo Nobel, Inc., et al, C.A. No. 99-CV-99-3226 ("Blue Seal Feeds").

2. Any defendant joining in this stipulation that has been properly served with the initial Blue Seal Feeds complaint, but has not yet answered the initial complaint, shall accept service of the Blue Seal Feeds First Amended Complaint and shall be relieved of any legal obligation to answer the initial complaint.

3. Any defendant joining in this stipulation that has been properly served with the initial Blue Seal Feeds complaint, and has answered the initial Blue Seal Feeds complaint, may at its option: (1) file an answer to the First Amended Complaint that references its previous answer or response in lieu of filing a new answer or response; (2) file an answer to the First Amended Complaint that incorporates its prior answer or response and contains any additional answers, defenses or other responses as appropriate; or (3) file an entirely new answer or response to the First Amended Complaint.

4. Any defendant joining in this stipulation that has been properly served in Hormel Foods Corporation, et al v. Akzo Nobel, Inc., et al., Case No. 99-Cv-1780 ("Hormel Foods"), but has not yet answered the initial or first amended complaint, shall accept service of the second amended complaint and shall be relieved of any legal obligation to answer or otherwise respond to the initial or first amended complaint.

5. Any defendant joining in this stipulation that has been properly served with the initial or first amended Hormel Foods complaint, and has answered the initial or amended Hormel Foods complaint, may at its option: (1) file an answer to the Second Amended Complaint in Hormel Foods that references its previous answer or response in lieu of filing a new answer or response; (2) file an answer to the Second Amended Complaint in Hormel Foods that incorporates its prior answer or response and contains any additional answers, defenses or other responses as appropriate; or (3) file an entirely new answer or response to the Second Amended Complaint

6. Any defendant joining in this stipulation may, at each defendant's option, file within the timeframe provided in this stipulation an answer or other response in each of the following cases that incorporates that defendant's answer or other response in Blue Seal Feeds and contains any additional answers, defenses, or other responses as appropriate:

- (1) Marshall Durbin Farm, et al. v. Akzo Nobel, Inc. et al,
Case No. 99-CV-2785 (TFH)
- (2) Tyson Food, Inc., et al v. Akzo Nobel, Inc., et al.,
Case No. 99-CV-2681 (TFH)
- (3) Southern States, et al. v. Akzo Nobel, Inc., et al.,
Case No. 99-CV-2685 (TFH)
- (4) Cactus Operating, et al. v. Akzo Nobel, Inc., et al.,
Case No. 99-CV-2684 (TFH)
- (5) Countrymark Cooperative, Inc. v. Akzo Nobel, Inc., et al.,
Case No. 00-CV-234 (TFH)
- (6) Hormel Foods Corp., et al. v. Akzo Nobel, Inc., et al.,
Case No. 99-CV-1780 (TFH)

7. This Stipulation and Order is not intended to waive and does not waive any rights of plaintiffs or defendants, or any defense that the defendants may have, including, without limitation, the defense of insufficiency of process or lack of personal jurisdiction.

Dated: May 22, 2000

Terri S. Bowman

Paul H. Friedman
Terri L. Bowman
DECHERT PRICE & RHOADS
1775 Eye Street, N.W.
Washington, D.C. 20006
(202) 261-3300

On behalf of ConAgra and all Defendants
Joining in this Stipulation

Dated: May 22, 2000

Richard J. Leveridge / KB

Kenneth L. Adams
Richard J. Leveridge
James R. Martin
DICKSTEIN SHAPIRO MORIN &
OSHINSKY, LLP
2101 L Street, N.W.
Washington, D.C. 20037-1526
On behalf of all Plaintiffs in all of the above
actions

SO ORDERED:

Thomas F. Hogan

THOMAS F. HOGAN
UNITED STATES DISTRICT JUDGE

DATED: May 24, 2000