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DISTRICT OF COLUMBIA
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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

JUN 19 2000

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

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In re :
VITAMINS ANTITRUST LITIGATION. : MDL No. 1285
Misc. No. 99-197 (TFH)
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This Document Relates to: :
Bristol-Myers Squibb Co. v. Rhone-Poulenc : D.D.C. No. 00 Civ. 548 (TFH)
S.A. et al. : (Transferred from S.D.N.Y.)
: :
NBTY, INC. v. F. Hoffmann-La Roche Ltd. : D.D.C. No. 99 Civ. 2372 (TFH)
et al. : (Transferred from E.D.N.Y.)
: :
Perrigo Company v. F. Hoffmann-La Roche : D.D.C. No. 99 Civ. 2411 (TFH)
Ltd. et al. : (Transferred from W.D. Mich.)
: :
Natural Alternatives International, Inc. v. : D.D.C. No. 99 Civ. 2682 (TFH)
F. Hoffmann-La Roche Ltd. et al. : (Transferred from S.D. Cal.)
: :
Leiner Health Products, Inc. v. F. Hoffmann- : D.D.C. No. 99 Civ. 3047 (TFH)
La Roche Ltd. et al. : (Transferred from C.D. Cal.)
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**STIPULATION AND [~~PROPOSED~~] ORDER
ON THE BRIEFING OF THE BRISTOL-MYERS SQUIBB
MOTION TO RECONSIDER THE DONNELLY ACT RULING**

WHEREAS, Bristol-Myers Squibb Company (“BMS”), following the procedure suggested by the Court at the conference on May 17, 2000, has served a motion (the “BMS Motion”) for reconsideration of that part of the Court’s May 9, 2000 Memorandum Opinion Re: Motions to Dismiss as concerned indirect-purchaser claims under New York’s Donnelly Act, *see* N.Y. Gen. Bus. Law § 340(6) (McKinney Supp. 2000); and,

WHEREAS, the plaintiffs represented by Kenny, Nachwalter, Seymour, Arnold, Critchlow & Spector, P.A. (the "NBTY Plaintiffs") have joined in the BMS Motion; and,

WHEREAS, the Court, by Order (the "Scheduling Order") dated June 6, 2000, entered June 7, 2000 and posted to the Court's Web site during the afternoon of June 9, 2000, has directed the relevant defendants to file a consolidated response to the BMS Motion; and,

WHEREAS, by the time on Friday, June 9 the parties became aware of the Scheduling Order, counsel for BMS and counsel for various defendants had agreed on a BMS Motion briefing schedule to be submitted for the Court's consideration; and,

WHEREAS, counsel for defendant Degussa-Hüls Corporation ("Degussa") expects that the task of coordinating the views of all relevant defendants for the preparation of a single, consolidated response to the BMS Motion will itself take at least a week,

Subject to the approval of the Court, IT IS HEREBY STIPULATED AND AGREED as follows:

1. Counsel for defendant Degussa, on behalf of all relevant defendants, will serve and file a consolidated response to the BMS Motion not later than June 23, 2000, with copies to be received by fax or similar means not later than that day by counsel for BMS and counsel for the NBTY Plaintiffs; and
2. Reply papers in further support of the BMS Motion are to be served and filed not later than July 7, 2000, with copies to be received by fax or similar means not later than that day by counsel for Degussa.

Dated: June 13, 2000

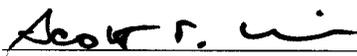


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Dated: June 13, 2000

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SO ORDERED, June 19th, 2000:

Thomas F. Hogan

Hon. THOMAS F. HOGAN
United States District Judge