

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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Judge  
THOMAS F. HOGAN

In Re: Vitamins Antitrust Litigation

This Document Relates To:

NBTY, Inc., Rexall Sundown, Inc., Twin  
Laboratories, Inc., and Cambr Company,  
Inc., d/k/a Solgar Vitamin & Herb  
Company v. F. Hoffman-LaRoche  
Ltd., et al.,

Perrigo Company, et al v.  
F. Hoffman-LaRoche Ltd., et al,

Natural Alternatives International, Inc.,  
Nutraceutical Corporation, Makers of  
Kal, Inc., and Weider Nutrition  
Group, Inc. v. F. Hoffman-LaRoche  
Ltd., et al,

Leiner Health Products Inc. v.  
F. Hoffman-LaRoche Ltd., et al,

Misc. No. 99-0197 (TFH)

MDL No. 1285

Case No. 99-CV-2372

Case No. 99-CV-2411

Case No. 99-CV-2682

Case No. 99-CV-3047

**FILED**

OCT 11 2000

NANCY MAYER-WHITTINGTON, CLERK  
U.S. DISTRICT COURT  
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he filed  
Hogan J  
10-11-00*

**STIPULATION FOR DISMISSAL WITH PREJUDICE  
OF CERTAIN CLAIMS AGAINST TAKEDA DEFENDANTS**

In accordance with Rule 41 of the Federal Rules of Civil Procedure, Plaintiffs Leiner Health Products Inc., NBTY, Inc., Rexall Sundown, Inc., Twin Laboratories, Inc., Perrigo Company, Natural Alternatives International, Inc., Nutraceutical Corporation, Makers of Kal, Inc., and Weider Nutrition Group, Inc. (collectively "Plaintiffs") and Defendants Takeda USA, Inc., Takeda Vitamin & Food USA, Inc., and Takeda Chemical Industries, Ltd. (collectively, "Takeda Defendants") stipulate and agree that:

(N)

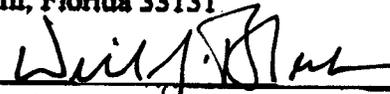
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1. As Plaintiffs' filed a Consolidated Amended Complaint in the District of Columbia dated November 11, 1999 (the "Consolidated Amended Complaint"), and filed a subsequent amendment thereto, the prior filed individual complaints brought by all Plaintiffs (the "Individual Complaints") that were previously filed are hereby dismissed in their entirety with prejudice as to the Takeda Defendants;
2. Plaintiffs' direct purchaser claims against the Takeda Defendants based upon Plaintiffs' direct purchases of Vitamins from the Takeda Defendants and all alleged codefendants and co-conspirators, as alleged in Counts 1, 2, 3, 4 and 5 of the Consolidated Amended Complaint are hereby dismissed with prejudice as to the Takeda Defendants; and
3. Plaintiffs' indirect purchaser claims against the Takeda Defendants based upon Plaintiffs' indirect vitamin purchases, that is, Plaintiffs' vitamin purchases from entities other than the Takeda Defendants and all alleged codefendants and co-conspirators, as alleged in Counts 2, 3, 4 and 5 of the Consolidated Amended Complaint are not dismissed, and Plaintiffs may continue to prosecute those indirect purchaser claims against the Takeda Defendants.

The dismissals with prejudice described in Paragraphs 1 and 2 herein are without prejudice to Plaintiffs' claims against any other defendants or alleged co-conspirators in the Individual Complaints or the Consolidated Amended Complaint. A proposed Order of Dismissal With Prejudice accompanies this Stipulation.

Respectfully submitted,

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By:   
Counsel for Plaintiffs NBTY, Inc., Rexall Sundown, Inc., Twin Laboratories, Inc., Perrigo Company, Natural Alternatives International, Inc., Nutraceutical Corporation, Makers of Kal, Inc., Weider Nutrition Group, Inc. and Leiner Health Products Inc.

- and -

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By: Lawrence Byrne  
Takeda Vitamin & Food USA, Inc.,  
Takeda USA, Inc., and  
Takeda Chemical Industries, Ltd.

Dated: <sup>Sept 6,</sup> ~~June~~ 2000