

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

In Re: Vitamins Antitrust Litigation

Misc. No. 99-0197 (TFH)

MDL No. 1285

This Document Relates To:

Bristol-Myers Squibb Co. v. Rhone-Poulenc S.A., et al.; Conopco, Inc. v. F. Hoffmann-LaRoche, Ltd., et al.; Perrigo Co., et al. v. F. Hoffmann-LaRoche, Ltd., et al.; Natural Alternatives Int'l., Inc., et al. v. F. Hoffmann-LaRoche, Ltd., et al., Publix Supermarkets, Inc. v. F. Hoffmann-LaRoche, Ltd., et al.; NBTY, Inc., et al. v. F. Hoffmann-LaRoche, Ltd., et al.; Leiner Health Products, Inc., et al. v. F. Hoffmann-LaRoche, Ltd., et al.,

FILED

MAR 06 2001

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

**STIPULATION AND AGREED AMENDMENT OF THE COURT'S
ORDER RE: JUDGMENT ON THE PLEADINGS DATED JANUARY 18, 2001**

Plaintiffs and Defendants in the above-captioned cases stipulate and agree as follows:

1. The Court's Order Re: Judgment on the Pleadings dated January 18, 2001 (copy attached as Exhibit 1) does not pertain to *Perrigo Co., et al. v. F. Hoffmann-LaRoche, Ltd., et al.*, *Natural Alternatives International, Inc. v. F. Hoffmann-LaRoche, Ltd., et al.*, and *Leiner Health Products, Inc., et al. v. F. Hoffmann-LaRoche, Ltd., et al.*

2. Line 8 on page 2 of the Court's Order Re: Judgment on the Pleadings dated January 18, 2001 (the "Order") is amended as indicated by the following italicized interlineation: "Bristol-Myers Squibb cases of indirect purchaser damage claims *brought under the Donnelly Act* allegedly accruing prior to...." The reference to "Conopco, and NBTY, et al.'s" on line 10 on page 2 of the Order is stricken and replaced with "Rexall's". The full paragraph, as amended, should read as follows:

ORDERED that consistent with this Court's May 9, 2000, October 6, 2000, and October 26, 2000 Memorandum Opinions and Orders, defendants' Motions for Judgment on the Pleadings are granted to the extent that they seek dismissal in the NBTY, et al., Conopco, and/or Bristol-Meyers Squibb cases of indirect purchaser damage claims brought under the Donnelly Act allegedly accruing prior to December 23, 1998; Publix Supermarkets' FDUPTA indirect purchaser damage claims allegedly accruing prior to September 7, 1995; and Rexall's FDUPTA indirect purchaser damage claims allegedly accruing prior to July 29, 1995.²

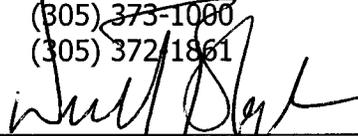
Respectfully submitted,

KENNY NACHWALTER SEYMOUR ARNOLD
CRITCHLOW & SPECTOR, P.A.

Richard Alan Arnold, Esquire
William J. Blechman, Esquire
Paul C. Huck, Jr., Esquire
201 South Biscayne Blvd.
Suite 1100
Miami, Florida 33131

Tel: (305) 373-1000

Fax: (305) 372-1861

By: 

William J. Blechman

On Behalf Of Plaintiffs in the Leiner, Perrigo, NBTY, Conopco and Natural Alternatives cases

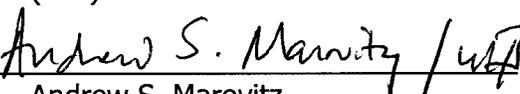
– and –

MAYER BROWN & PLATT

Tyrone C. Fahner, Esquire
Andrew S. Marovitz, Esquire
190 South La Salle Street
Chicago, Illinois 60603-3441

Tel: (312) 782-0600

Fax: (312) 701-7711

By: 

Andrew S. Marovitz

On behalf of All Defendants

² This Order is expressly limited to dismissal of certain indirect purchaser damage claims; plaintiffs' direct and injunctive claims under the Donnelly Act and FDUPTA are preserved at this time. To the extent that defendants seek dismissal of Donnelly Act or FDUPTA claims brought by Perrigo, Natural Alternatives International, and/or Leiner Health Products, their motions are denied because these plaintiffs did not assert any such Donnelly Act or FDUPTA claims.

ORDER

The foregoing stipulation is accepted and is so ordered.

Dated: March 6, 2001

Sam F. Hoger
United States District Judge

/133791