

FILED

MAR 13 2000

**UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA**

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IN RE: VITAMIN ANTITRUST LITIGATION	:	Misc. No. 99-197 (TFH)
-----	:	MDL No. 1285
	:	
This Document Relates To:	:	
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Publix Super Markets, Inc., v. F. Hoffman-LaRoche Ltd., et al.	:	Case No. 99-CV-2786 (TFH)
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NANCY MAYER-WHITTINGTON, CLERK
U.S. DISTRICT COURT

**STIPULATION AND ORDER REGARDING JURISDICTIONAL
BRIEFING SCHEDULE FOR MERCK KGaA'S
AND E. MERCK'S RESPONSE TO THE COMPLAINT**

Plaintiff in the above captioned cases ("Plaintiff") has effected service on Merck KGaA and E. Merck ("Merck"). On January 24, 2000, Defendants F. Hoffman-LaRoche Ltd. and BASF AG filed motions to dismiss based on lack of personal jurisdiction in certain of the vitamins antitrust cases, limited exclusively to the following preliminary legal issue: Whether personal jurisdiction should be measured by local contacts with the transferor forum ("Local Contacts") or national contacts with the United States as a whole ("National Contacts") (hereinafter the "Jurisdiction Issue"). On January 24, 2000, pursuant to stipulated order (Docket No. 408) certain defendants filed motions addressing, among other things, the Jurisdiction Issue. Briefing on the Jurisdiction Issue was completed on March 3, 2000. Oral argument on the Jurisdiction Issue is currently scheduled for March 16, 2000. Plaintiff and Merck believe that it would be more efficient for the Court and for the parties if Merck answers, moves against, or otherwise responds to the complaint in the above-captioned case as set forth below.

IT IS HEREBY STIPULATED AND AGREED, by and between counsel for the undersigned parties, that:

Merck's time to answer, move against, or otherwise respond to the complaint in this matter shall be extended to and including twenty (20) days after this Court's ruling on the motions addressed to the Jurisdiction Issue. By agreeing to respond to the complaint within such twenty day

period, Merck does not waive any rights that it may have to appeal such ruling or any rights it may have had to seek a stay of its obligation to respond pending any such appeal.

This stipulation is not intended to waive any other defenses, including the defense of insufficiency of service of process.

Dated: Washington, DC
March 9, 2000

DAAR, FISHER, KANARIS & VANEK, P.C.

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Merck KGaA and E. Merck

SO ORDERED:

Thomas F. Hogan
The Honorable Thomas F. Hogan, U.S.D.J.
March 10, 2000