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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

In re: Vitamins Antitrust Litigation	MDL No. 1285 Misc. No. 99-0197 (TFH)
THIS DOCUMENT RELATES TO: The Proctor & Gamble Company, et al. v. BASF Aktiengesellschaft, et al., Case No. C-1-99-787 (S.D. Oh.)	

FILED
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U.S. DISTRICT COURT

[PROPOSED] STIPULATION AND ORDER REGARDING
BRIEFING SCHEDULE FOR RESPONSES TO THE COMPLAINT

Plaintiffs in the above-captioned case ("Plaintiffs") have purportedly effected service on Defendants Eisai Co., Ltd. ("ECL") and Takeda Chemical Industries, Ltd. ("TCI") (together the "Foreign Defendants"). On January 24, 2000, Defendants F. Hoffmann-La Roche Ltd. and BASF AG filed motions to dismiss the complaints in certain related 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"). Briefing by defendants F. Hoffmann-La Roche Ltd., BASF AG and Rhone-Poulenc S.A. on the Jurisdiction Issue will be complete on March 3, 2000. Oral argument on motions to dismiss the complaint in Cargill, Inc., et al. v. F. Hoffmann-La Roche, Ltd., et al., Case No. 99-CV-5167, that were filed by defendants F. Hoffmann-La Roche Ltd., BASF AG and Rhone-Poulenc S.A. is currently scheduled for March 16, 2000. The Jurisdiction Issue will also be addressed during the March 16, 2000 oral argument by the parties that have completed briefing that issue. The parties believe that it would be more efficient for the Court and for the parties if the Foreign Defendants

answer, move against or otherwise respond to the complaint in the above-captioned matter as set forth below.

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

The Foreign Defendants' time to answer, move against or otherwise respond to the complaint in the above-captioned matter shall be extended to and including thirty (30) days after this Court's resolution of the Jurisdiction Issue. The Foreign Defendants' agree to be bound by the Court's resolution of the Jurisdiction Issue, except that the Foreign Defendants' reserve the right to appeal the Court's resolution of the Jurisdiction Issue should the Court determine that personal jurisdiction should be measured by a test other than "Local Contacts." This stipulation is not intended to waive and does not waive any defenses, including the defenses of lack of jurisdiction and insufficiency of service of process or any right of any party to appeal any ruling by the District Court.

Dated: New York, New York
March 8, 2000

Respectfully submitted by,

WAITE, SCHNEIDER, BAYLESS
& CHESLEY CO., L.P.A.

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Counsel for Defendant
Takeda Chemical Industries, Ltd.

SO ORDERED:

_____
THOMAS F. HOGAN
UNITED STATES DISTRICT JUDGE
March 10, 2000