

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

**FILED**

**MAY 17 2001**

NANCY MAYER WHITTINGTON, CLERK  
U.S. DISTRICT COURT

**IN RE: VITAMINS ANTITRUST  
LITIGATION**

Misc. No. 99-197 (TFH)

MDL No. 1285M

**THIS DOCUMENT RELATES TO:**

**STIPULATION AND ~~PROPOSED~~ *TFH*  
ORDER RE: DEFENDANTS'  
DISCOVERY CONCERNING  
INDIRECT PURCHASER CLAIMS**

PHARMAVITE CORPORATION v. F.  
HOFFMAN-LA ROCHE, LTD., et. al.,  
Civ. No. 00-1027TFH

IT IS HEREBY STIPULATED AND AGREED by and between the parties in the above-captioned matter, that the following terms and conditions shall govern Pharmavite Corporation's ("Pharmavite") Responses to Certain Defendants' Second Consolidated Set of Requests for Production of Documents to All Plaintiffs Asserting "Indirect Purchaser" Claims, served on April 12, 2001, Plaintiffs' Responses to Certain Defendants' Second Consolidated Set of Joint Interrogatories to All Plaintiffs Asserting "Indirect Purchaser" Claims, served on April 18, 2001 (collectively "Indirect Purchaser Discovery Requests"), and Defendants' 30(b)(6) deposition of Pharmavite scheduled for May 17, 2001:

1. At this time, counsel for Pharmavite are in the process of determining whether Pharmavite will pursue its "indirect purchaser" claims contained in the Fourth Count of its Complaint;

2. Pharmavite shall serve its Responses to Certain Defendants' Indirect Purchaser Discovery Requests, produce non-privileged, responsive documents, if any, and serve interrogatory responses, if any, on or before June 15, 2001, if it decides to pursue the Fourth Count of its Complaint;

3. Pharmavite will cooperate with any reasonable deposition request concerning Pharmavite's "indirect purchaser" claim made by Certain Defendants, and will not object on the ground that the deposition schedule cannot accommodate such depositions;

4. The parties agree that Defendants' 30(b)(6) deposition of Pharmavite, scheduled for May 17, 2001, will proceed as scheduled, as though Pharmavite were not pursuing its "indirect purchaser" claim. In the event that Pharmavite decides to pursue its "indirect purchaser" claim, Pharmavite agrees that Defendants may require an additional 30(b)(6) deposition of Pharmavite with respect to its "indirect purchaser" claims; and

5. All other defenses and objections shall be reserved.

Dated: May 14, 2001

Respectfully submitted,



Stephen M. Colangelo (D.C. Bar 378443)  
Bradley S. Lui (DC Bar No. 425033)  
MORRISON & FOERSTER LLP  
2000 Pennsylvania Avenue, N.W.  
Suite 5500  
Washington, D.C. 20006-1888  
Telephone: (202) 887-1500  
Facsimile: (202) 887-0763

Attorneys for Plaintiff

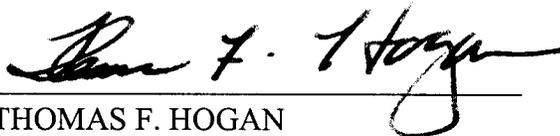
PHARMAVITE CORPORATION



Franklin R. Liss (D.C. Bar 440289)  
Arnold & Porter  
Thurmond Arnold Building  
555 Twelfth Street, N.W.  
Washington, D.C. 20004  
Telephone: (202) 942-4200

On behalf of All Defendants in the Above-Captioned Case

SO ORDERED:



THOMAS F. HOGAN  
UNITED STATES DISTRICT JUDGE

DATED: May 16, 2001