

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

RECEIVED
MAY 22 2001
Judge
THOMAS **FILED**

MAY 23 2001

IN RE:
VITAMINS ANTITRUST LITIGATION

M.D.L. No. 1285

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

Misc. No. 99-0197 (TFH)

This Document Relates to:

TYSON FOODS, INC., ET AL.,

Docket No. 99-2681 (TFH)

BLUE SEAL FEEDS, INC., ET AL.,

Docket No. 99-2683 (TFH)

CACTUS OPERATING LTD., ET AL.,

Docket No. 99-2684 (TFH)

COUNTRYMARK COOPERATIVE,
INC., ET AL.,

Docket No. 00-234 (TFH)

SOUTHERN STATES COOPERATIVE,
INC., ET AL.,

Docket No. 99-2685 (TFH)

MARSHALL DURBIN FARMS,
INC., ET AL.,

Docket No. 99-2682 (TFH)

THE QUAKER OATS COMPANY, ET AL.

Docket No. 99-1972 (TFH)

PUBLIX SUPER MARKETS, INC. v.
F. HOFFMANN-LA ROCHE LTD., ET AL.

Docket No. 99-2786 (TFH)

MEIJER, INC. v.
F. HOFFMANN-LA ROCHE LTD., ET AL.

Docket No. 99-3282 (TFH)

KELLOGG COMPANY v. BASF AG, ET AL.

Docket No. 99-1996 (TFH)

BRISTOL-MYERS SQUIBB CO. v.
RHONE-POULENC S.A., ET AL.

Docket No. 00-0373 (TFH)

~~10/1~~
STIPULATION AND (~~PROPOSED~~) ORDER REGARDING CERTAIN
PLAINTIFFS' RESPONSES TO CERTAIN DEFENDANTS' SECOND
CONSOLIDATED SET OF REQUESTS FOR PRODUCTION AND CERTAIN
DEFENDANTS' CONSOLIDATED SECOND SET OF JOINT
INTERROGATORIES TO ALL PLAINTIFFS ASSERTING
"INDIRECT PURCHASER" CLAIMS

001

IT IS HEREBY STIPULATED AND AGREED, by and between counsel for the parties in the above-captioned matters, that the following terms shall govern Dickstein Shapiro Plaintiffs', Plaintiff Publix Super Markets, Inc.'s, Plaintiff Meijer, Inc.'s, Plaintiff Kellogg Company's, and Plaintiff Bristol-Myers Squibb Company's (collectively "Plaintiffs") Responses to Certain Defendants' Second Consolidated Set of Request for Production of Documents to All Plaintiffs Asserting "Indirect Purchaser" Claims, served on April 12, 2001, and 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"):

1. At this time, counsel for Plaintiffs are in the process of determining which of the Plaintiffs, if any, are pursuing what Certain Defendants have defined as "indirect purchaser" claims. The parties are entering into this Stipulation for the purpose of resolving whether the Indirect Purchaser Discovery Requests are applicable to Plaintiffs, short of Plaintiffs responding formally to such Requests;

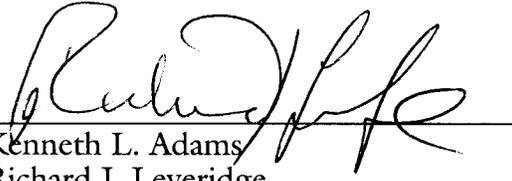
2. Plaintiffs shall serve their Responses to Certain Defendants' Indirect Purchaser Discovery Requests, produce non-privileged, responsive documents, if any, and serve interrogatory responses, if any, on or before June 15, 2001;

3. In the event that Plaintiffs' Responses necessitate additional depositions of Plaintiffs pursuing "indirect purchaser" claims with respect to those "indirect purchaser" claims, Plaintiffs will cooperate with any reasonable deposition request made by Certain Defendants, and will not object on the ground that the deposition schedule cannot accommodate such depositions; and

4. All other defenses and objections shall be reserved.

Dated: May 11, 2001

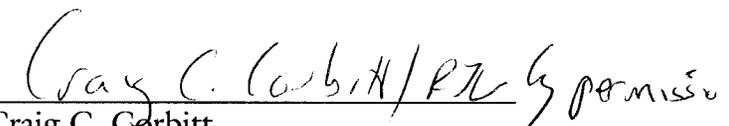
Respectfully submitted,

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On behalf of All Defendants in the Above-Captioned Cases

SO ORDERED:

Thomas F. Hogan
Thomas F. Hogan
United States District Judge

DATED: *May 22, 2001*