

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

1451-1451
MAR 13 2000
Judge
THOMAS F. HOGAN

_____))
IN RE:))
_____))
IN RE VITAMIN ANTITRUST LITIGATION))
_____))
THIS DOCUMENT RELATES TO:))
_____))
MEIJER, INC., et al.))
_____))
_____)

M.D.L. No. 1285
Misc. No. 99-0197 (TFH)
This Document Relates To:
Case No. 1:99CV03282 (TFH)

FILED
MAR 14 2000

NANCY MAYER-WHITTINGTON, CLERK
U.S. DISTRICT COURT

**STIPULATED ORDER REGARDING BRIEFING SCHEDULE ON
MOTION TO DISMISS FILED BY RHONE-POULENC S.A.**

This Stipulation and Order is made with reference to the following facts:

Plaintiff in the above-captioned case has effectuated service of its First Amended Complaint on Defendant Rhone-Poulenc S.A. ("RPSA"), in response to which RPSA has filed a Motion to Dismiss Defendant Rhone-Poulenc S.A. For Lack Of Personal Jurisdiction;

On July 29, 1999, this Court issued a ruling that "the relevant forum" for personal jurisdiction under the Clayton Act is "the United States as a whole." On January 11, 2000, the D.C. Circuit Court of Appeals in GTE New Media Services Inc. v. Bell South Corporation, No. 99-7097, addressed the requirements for jurisdiction under Section 12 of the Clayton Act.

Defendant Rhone-Poulenc S.A. contends that personal jurisdiction under the Sherman Act must be measured by its contacts with the transferor forum ("local contacts") and not by its contacts with the United States as a whole ("national contacts"), and has argued in its Motion to Dismiss

that, in any case, it lacks sufficient contacts with the United states as a whole to subject it to personal jurisdiction; and

The parties believe it would be more efficient to suspend their briefing on the Motion to Dismiss until such time as the Court issues a ruling on the national v. local contacts issue;

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

1. In the event the Court rules that the relevant forum is the United States as a whole, Plaintiff will file its opposition to RPSA's Motion to Dismiss within 20 days of such ruling, and RPSA will file its reply thereto within 14 days of service of Plaintiff's opposition;

2. RPSA will file its Answer to the First Amended Complaint within 20 days of any ruling that it has sufficient national contacts to subject it to personal jurisdiction¹; and

3. In the event the Court finds that "local contacts" is the relevant test, then the parties will agree upon a briefing schedule to address the question of whether RPSA has the requisite local contacts to support personal jurisdiction.

This stipulation is not intended to waive and does not waive any rights of plaintiff or Defendant, or any defense that the defendant may have including, but not limited to, the defense of

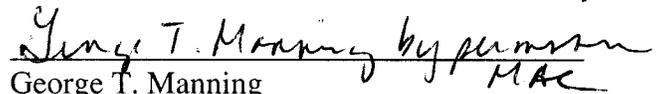
¹ By agreeing to file an answer to the Complaint within 20 days of a ruling by the Court that RPSA has sufficient national contacts, RPSA does not waive any rights it may have to appeal such a ruling or any rights it may have to seek a stay of its obligation to answer pending such appeal.

insufficiency of service or lack of personal jurisdiction.

Respectfully submitted,



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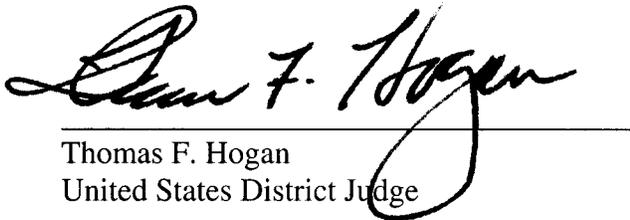
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SO ORDERED:

Dated: March 13, 2000



Thomas F. Hogan
United States District Judge