

**FILED**

**JUL 25 2001**

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

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

**IN RE: VITAMINS ANTITRUST  
LITIGATION**

**THIS DOCUMENT RELATES TO:  
Pharmavite Corp. v. Hoffman La Roche, et al.**

MDL No. 1285  
Misc. No. 99-0197

Case No. 00-02764 (JWK)

(Jury Trial Demanded)

**STIPULATION AND ORDER GRANTING PHARMAVITE CORPORATION  
LEAVE TO FILE AMENDED COMPLAINT**

By agreement of the parties:

1. Pursuant to the Federal Rules of Civil Procedure, Rule 15, Pharmavite Corporation ("Pharmavite") may file, the Amended Complaint attached hereto as Exhibit 1. The Amended Complaint shall be deemed filed as of the date this Order is entered.

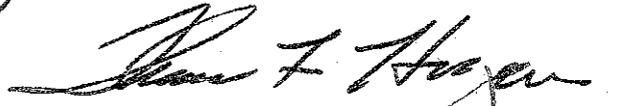
2. Pharmavite's filing of the Amended Complaint shall not in any way prejudice or bar its right to pursue its action under the Cartwright Act, Cal. Bus. & Prof. Code §§ 16720 *et seq.*, or any other applicable statute, for damages resulting from its indirect purchase of vitamins and related products as a member of the plaintiff class in the *Vitamin Cases* (case number JCCP No. 4076), pending in the San Francisco Superior Court; nor shall Pharmavite's election not to pursue an action for such damages in this proceeding prejudice or bar its right to pursue such a claim, either individually or as a member of a class, at any time.

3. Notwithstanding the filing of the Amended Complaint, the Court shall interpret and apply state and federal law as if the action had remained in the United States District Court, Central District of California for all purposes.

4. Any answer previously filed by any Defendant in response to Pharmavite's original Complaint shall be deemed applicable to Pharmavite's Amended Complaint without the need for any further filing in response to the Amended Complaint.

Entered this 29 day of July, 2001.

SO ORDERED:

  
Thomas F. Hogan  
United States District Judge

AGREED:

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*On Behalf of All Defendants*