UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

MAR 2 8 2000

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

In re: Vitamins Antitrust Litigation	
Publix Super Markets, Inc.	
v.	Misc. No. 99-197 (TFH)
F. Hoffmann-La Roche Ltd., et al.	MDL No. 1285
C.A. 99-2020-CIV-T-26F (M.D. Fla. Dec. 8, 1999) Docket No. 99-2786	

STIPULATION AND ORDER REGARDING JURISDICTIONAL BRIEFING SCHEDULE FOR DAIICHI PHARMACEUTICAL CO., LTD.'S RESPONSE TO THE COMPLAINT

Plaintiff in the above-captioned case ("Plaintiff") has effected service on Daiichi Pharmaceutical Co., Ltd. ("DSK"). On January 24, 2000, Defendants F. Hoffmann-La Roche Ltd. and BASF AG filed motions to dismiss based on lack of personal jurisdiction in certain of the vitamins antitrust cases, limited exclusively to the following preliminary legal issue: Whether personal jurisdiction should be measured by local contacts with the transferor forum or national contacts with the United States as a whole (hereinafter the "Jurisdiction Issue"). On January 24, 2000, pursuant to stipulated order (Docket No. 408) certain defendants filed motions addressing, among other things, the Jurisdiction Issue. Briefing on the Jurisdiction Issue was completed 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. and BASF AG was held on March 16, 2000. The

Plaintiff and DSK believe that it would be more efficient for the Court and for the parties if DSK answers, moves against, or otherwise responds to the complaint in the above-captioned case as set forth below.

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

DSK's time to answer, move against, or otherwise respond to the complaint in this matter shall be extended to and including twenty (20) days after this Court's ruling on the motions addressed to the Jurisdiction Issue. By agreeing to respond to the Complaint within such 20-day period, DSK does not waive any rights it may have to appeal such ruling or to seek a stay of its obligation to respond to the Complaint pending any such appeal. DSK also reserves the right to argue that its contacts, if any, with the forum state are insufficient to subject it to personal jurisdiction in the above-listed case.

This stipulation is not intended to waive any other defenses, including the defense of insufficiency of service of process.

Dated: March 20, 2000

Respectfully submitted,

DAAR, FISHER, KANARIS & VANEK, P.C.

By: Joseph M. Vanek/DK

Joseph M. Vanek
200 S. Wacker Drive, Suite 3350
Chicago, IL 60606
(312) 474-1400

Counsel for Plaintiff Publix Super Markets, Inc.

GIBSON, DUNN & CRUTCHER LLP

By: _____
Michael L. Denger
(D.C. Bar No. 23275)
Gibson, Dunn & Crutcher LLP
1050 Connecticut Avenue, NW
Washington, D.C. 20036
(202) 955-8500

Counsel for Defendant Daiichi Pharmaceutical Co., Ltd.

SO ORDERED:

_____
Thomas F. Hogan
United States District Judge
3/27/05

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