

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

In re: Vitamins Antitrust Litigation

MDL No. 1285

Misc. No. 99-0197 (TFH)

This Document Relates To:

ALL CASES

FILED

SEP 27 2001

NANCY MAYER WHITTINGTON, CLERK  
U.S. DISTRICT COURT

<sup>TFH</sup>  
STIPULATION AND ~~PROPOSED~~ ORDER

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

1. Paragraph 8 of the Stipulation Regarding Production of Interrogatory Responses, Preexisting Electronic or Summary Transactional, Cost and Financial Data, and Privilege Logs by Certain Parties, dated August 15, 2001, is further modified as follows:

8. With the exception of the limited specific Milk Products waiver set forth in paragraph 5 of this stipulation, this stipulation is intended to preserve all outstanding issues relating to the production or logging of the Foreign Defendants' Governmental Submissions Documents and Internal Investigation Documents. The briefing schedule on all such issues before Special Master Pollak shall be as follows: (1) plaintiffs shall serve an appropriate motion on or before September 7, 2001 (instead of August 31, 2001); (2) the Foreign Defendants shall serve an appropriate opposition to the plaintiffs' motion on or before October 2, 2001 (instead of September 14, 2001); and (3) plaintiffs shall serve an appropriate reply in further support of their motion on or before a date to be determined by plaintiffs following service of the Foreign Defendants' opposition to plaintiffs' motion.

2. With regard to the issue relating to the appropriate procedure for taking the depositions of witnesses in the above-referenced matter who express an intention to assert the Fifth Amendment privilege at deposition: (a) defendants shall serve an appropriate motion for a

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protective order on or before September 28, 2001; (b) plaintiffs shall serve an appropriate opposition to defendants' motion for a protective order on or before October 15, 2001; and (c) defendants shall serve an appropriate reply in further support of their motion for a protective order on or before October 22, 2001.

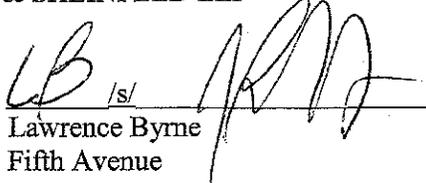
3. Oral argument will be heard on the motions referenced in paragraphs 1 and 2 of this Stipulation on October 29, 2001 at 11:00 in Washington, DC. Special Master Pollak will issue a notice confirming that date shortly.

4. Briefing on the defendants' objection to the Special Master's September 10, 2001 Report and Recommendation pursuant to Rule 53 of the Federal Rules of Civil Procedure shall proceed according to the following briefing schedule: (a) defendants shall serve an appropriate Rule 53 Objection on or before October 3, 2001; (b) plaintiffs shall serve an appropriate opposition to the defendants' Rule 53 Objection on or before October 19, 2001; and (c) defendants shall serve an appropriate reply in further support of their Rule 53 Objection on or before October 26, 2001. Subject to the Court's schedule and calendar, the parties agree to have the defendants' Rule 53 Objection heard by the Court at the October 30, 2001 status conference or on a date otherwise convenient for the Court and the parties.

Dated: September 25, 2001

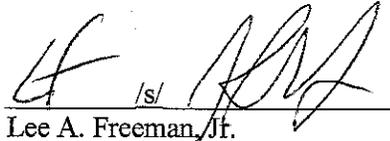
Respectfully submitted,

SQUADRON ELLENOFF PLESANT  
& SHEINFELD LLP

By:  /s/  
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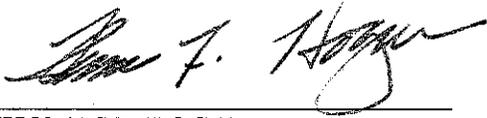
*Counsel for Defendants Takeda Chemical  
Industries, Takeda Vitamin & Food USA, Inc.,  
and Takeda U.S.A., Inc. and On Behalf of All  
Defendants For Purposes of This Stipulation*

FREEMAN, FREEMAN & SALZMAN

By:  /s/  
Lee A. Freeman, Jr.  
401 N. Michigan Avenue, Suite 3200  
Chicago, IL 60611  
(312) 222-5100

*On Behalf of All Plaintiffs for Purposes  
of This Stipulation*

SO ORDERED:

  
THOMAS F. HOGAN  
UNITED STATES DISTRICT JUDGE

Dated: Sept. 20, 2001