

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

IN RE:)
)
VITAMINS ANTITRUST LITIGATION)

THIS DOCUMENT RELATES TO:)
)
BLUE SEAL FEEDS, INC., et al., v.)
AKZO NOBEL INC., et al.,)
)
CIVIL ACTION NO. 99-CV-3226 (C.D. ILL))

M.D.L. No. 1285

Misc. No. 99-0197 (TFH)

Docket No. 99-2683 (TFH)

FILED

OCT 11 2001

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

**PROPOSED ORDER OF DISMISSAL WITHOUT PREJUDICE OF
CLAIMS OF PLAINTIFF DAIRY NUTRITION SERVICES, INC.**

AND NOW, this 10 day of October, 2001, upon consideration of the foregoing Stipulation of Plaintiff Dairy Nutrition Services, Inc. ("Dairy Nutrition") and Defendants in the above-captioned case, it is hereby

ORDERED, that the foregoing Stipulation to dismiss, without prejudice, all claims of Dairy Nutrition against all defendants in the above-captioned case be and the same is Approved. In the event Dairy Nutrition, at a later date, brings claims under the Sherman Act for either injunctive relief or damages allegedly arising out of the price-fixing conspiracies alleged in cases included in MDL 1285, it agrees (1) that it will continue to be bound by the terms of the Stipulation and Order Regarding Personal Jurisdiction and Re-Filing of Actions (D.C.) entered by Judge Hogan January 26, 2001, (2) that it will not seek any additional discovery beyond that provided in the MDL litigation, (3) that it will seek access to such MDL discovery only from counsel for plaintiffs in the MDL litigation, and (4) that it will comply with

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discovery requests previously directed at plaintiffs within 20 days of filing its claim.

Accordingly, the claims in the above-captioned case of Dairy Nutrition against Defendants be and the same are hereby dismissed without prejudice, to the extent set forth above. This Order is without prejudice to Dairy Nutrition's claims against any other defendants or alleged co-conspirators in the above-captioned case.


United States District Judge