

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

IN RE: )  
VITAMIN ANTITRUST LITIGATION )  
THIS DOCUMENT RELATES TO: )  
PUBLIX SUPER MARKETS, INC., ET. AL.)

M.D.L. No. 1285  
Misc. No. 99-0197 (TFH)  
Case No. 1-99CV2786 (TFH)

**FILED**  
**APR 05 2002**  
NANCY MAYER WHITTINGTON, CLERK  
U.S. DISTRICT COURT

**ORDER DISMISSING CERTAIN DEFENDANTS**

This matter is pending before the Court in connection with Publix Super Markets, Inc.'s ("Publix") Motion to Dismiss Certain Defendants With Prejudice.

IT IS HEREBY ORDERED that the Second Amended Complaint filed in the captioned action is dismissed with prejudice against Defendants E. Merck, Merck KGaA and EM Industries, Inc. This Order is without prejudice to Publix's or any other Plaintiff's rights or claims against any other Defendant or co-conspirator in this litigation.

*April 5, 2002*  
Date

*Thomas F. Hogan*  
Thomas F. Hogan  
United States District Judge

2860