

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

APR 10 2002

In Re: Vitamins Antitrust Litigation)
)
THIS DOCUMENT RELATES TO:)
)
ALL ACTIONS)
)
)
)
)

Misc. No. 99-197 (TFH)
MDL 1285

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

*Sub Part
be filed
Hagan, C.D.
4/9/02*

STIPULATION RESOLVING CERTAIN DISCOVERY DISPUTES
BETWEEN PLAINTIFFS AND CHINOOK GROUP LTD.,
CHINOOK GROUP MANAGEMENT LIMITED, COPE INVESTMENTS,
STAYNER, COPLAND, CHINOOK GROUP, INC.

The "Plaintiffs" as set forth in the signature block of this stipulation and Chinook Group, Ltd. (for itself and as successor to Chinook Group and its managing partner Chinook Group Management, Ltd.), Chinook Group, Inc., William P. Stayner ("Stayner"), Peter Copland ("Copland"), and Cope Investments, Ltd. (collectively referred to herein as "Chinook and Related Entities"), stipulate as follows:

1. This Stipulation memorializes the results of several meet and confer sessions to resolve disputes about the following discovery demands:
 - (1) the production of documents and a witness(es) by Cope Investments, Ltd. in response to a 30(b)(6) deposition notice,
 - (2) the production of documents and the answering of interrogatories by Stayner and Copland in response to the Plaintiffs consolidated discovery requests,
 - (3) the production of documents and the answering of interrogatories by Chinook and related entities in response to Plaintiffs Second Set of Document Requests and Third Set of Document Requests and Interrogatories.

2. In exchange for agreements by Chinook and Related Entities, Plaintiffs agree and stipulate that (i) Plaintiffs will withdraw their 30(b)(6) notice to Cope Investments, Ltd., (ii) Plaintiffs will not assert that Cope Investments, Ltd., Stayner and Copland have waived any personal jurisdiction defenses, and (iii) Stayner, Copland and Cope Investments, Ltd. are not obligated to provide formal responses to any of Plaintiffs' written discovery.
3. In exchange, Chinook and Related Entities agree that they will produce for inspection and copying in Washington, D.C. (i) all "corporate records"¹ between 1988 and 1998, (ii) all management agreements between or among any member(s) of the collective group referred to herein as "Chinook and Related Entities", (iii) all consulting/management agreements between Chinook and/or Related Entities and Russell Cosburn ("Cosburn"), Stayner and Copland, (iv) records of any compensation paid by Chinook and/or the Related Entities to Cosburn, Copland or Stayner, and (v) the template for the "net back model" used by Chinook to calculate costs of manufacturing TMA and choline chloride, and an explanation of how the model works, and a sufficient number of documents showing how this net back model is actually applied in practice.
4. Chinook and Related Entities have also agreed to provide additional information to Interrogatory no. 8 of Plaintiffs Third Request for Documents and Interrogatories that will provide a good faith explanation of the discrepancy

¹Corporate records include bylaws, articles of incorporation, director meeting minutes, meeting agendas and consolidated and non-consolidated financial statements for Chinook Group Limited (for itself and as successor to Chinook Group), Chinook Group Management Limited, and Cope Investments, Ltd. As to Chinook Group, Inc., "corporate records" refers only to director meeting minutes and consolidated financial statements.

between the internal manufacturing price of TMA and the transfer price of TMA when used to manufacture choline chloride as represented in CG00031495.

5. Chinook and Related Entities further stipulate that documents produced in response to this stipulation are authentic (Fed.R.Evid. 901) and business records (Fed.R.Evid. 803(6)).
6. As further consideration for this stipulation Stayner and Copland represent and confirm that they do not have within their possession or control documents or information responsive to any of Plaintiffs' consolidated and/or nonconsolidated discovery served by Verilaw on Chinook and/or Related Entities that otherwise has not been produced. Cope Investments, Ltd. represents and confirms that it does not have in its possession or control documents or information relating to the production and sale of choline chloride and/or the allegations of price fixing that have not already been made available or produced by Chinook and Related Entities.
7. Stayner, Copland and Cope Investments' participation in this Stipulation is without waiver of any defense based on lack of personal jurisdiction.
8. All action required by this stipulation shall be performed with all possible diligence and shall be completed by April 25, 2002. The parties agree that Cope Investments, Copland and Stayner will withdraw and refile any motions to dismiss on April 25, 2002, or on such earlier date when all action required by this stipulation has been performed, and that thereafter the briefing shall be as provided in the Federal Rules of Civil Procedure unless other schedule is agreed upon.

9. By executing this stipulation, counsel represent and warrant that they have authority to bind their respective clients.
10. Enforcement of this stipulation and order may be requested after the current deadline for motions to compel or for protective orders.

Dated: April 8, 2002



BAKER & MILLER, PLLC

Donald I. Baker (Bar No 944124)
W. Todd Miller (Bar No 414930)
Baker & Miller
915 15th St. NW, Suite 1000
Washington, D.C. 20005

*On behalf of Chinook Group, Ltd.,
Chinook Group, Inc., Cope Investments
Ltd., Peter Copland and William P.
Stayner*

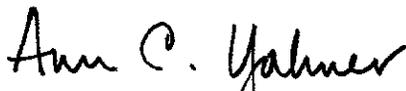
Respectfully submitted,



DICKSTEIN SHAPIRO MORIN & OSHINSKY
LLP

Richard J. Leveridge, Esquire
2101 L Street, N.W.
Washington, D.C. 20037-1526
(202) 785-9700

On behalf of all Direct Action Plaintiffs

and, 
COHEN, MILLSTEIN, HAUSFELD & TOLL,
PLLC.
Ann Yahner, Esq.
100 New York Avenue, N.W. West Tower, 500
Washington, D.C. 20005
Telephone: (202) 408-4600

On behalf of all Class Plaintiffs

SO ORDERED:



[Handwritten signature]
USDC

The Honorable Thomas F. Hogan

Chief Judge

Dated: