

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

\_\_\_\_\_  
IN RE: )  
 )  
VITAMINS ANTITRUST LITIGATION )  
\_\_\_\_\_)  
This Document Relates to: )  
 )  
ALL ACTIONS )  
\_\_\_\_\_)

M.D.L. No. 1285

Misc. No. 99-0197 (TFH)

**FILED**

**MAY 07 2002**

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

**STIPULATION REGARDING DEPOSITIONS OF  
WITNESSES IDENTIFIED ON THE PARTIES' FINAL WITNESS LISTS**

The parties identified below in the above-referenced consolidated actions stipulate as follows:

1. On dates to be established by the Court, the parties trying their cases in this District will file their final witness lists identifying those witnesses the parties reasonably expect to call to testify at trial and provide a summary of the anticipated testimony of each witness. The remaining parties to this Stipulation shall file their final witness lists pursuant to the scheduling orders established by the Courts in the Jurisdictions in which the cases are to be tried. To the extent that there are any witnesses identified in an opposing party's final witness list whose depositions have not been taken in this case, the parties agree to make such witnesses available for a deposition in Washington, D.C., or some other location in the United States to be agreed upon by the parties. If any such witness is not made available for such a deposition, the witness may not testify at trial. Such depositions will conclude by December 6, 2002 in the cases tried in this District or within thirty (30) days after the filing of the final witness lists in the other jurisdictions, or at such other times as permitted by the remand court.

2. Nothing in this Stipulation is intended to modify subparagraph (5) of this Court's ruling on December 21, 2001.

3. Moreover, nothing in this Stipulation is intended to modify subparagraphs (6) and (7) of the Court's December 21, 2001 Order setting deadlines for a witness to recant his or her assertion of the Fifth Amendment. Nor is this Stipulation intended to prevent plaintiffs from arguing that any former employee of defendants who refused to cooperate with plaintiffs' deposition requests as set forth in the Court's January 16, 2002 Order should be prevented from testifying at trial even if that witness offers to provide a deposition after the exchange of final witness lists.

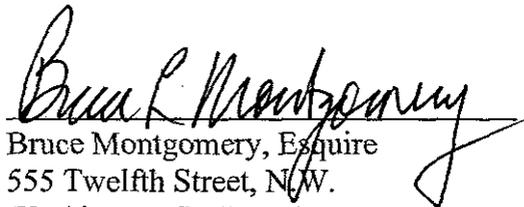
4. By entering into this stipulation, no defendant waives any defense previously asserted.

Dated: April 30, 2002

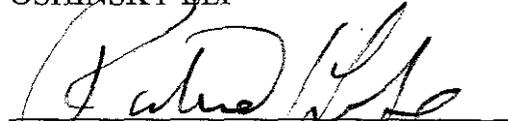
Respectfully submitted,

ARNOLD & PORTER

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*On behalf of all Non-Choline Chloride  
Defendants for Purposes of this  
Stipulation*

*On behalf of all Plaintiffs for Purposes  
of this Stipulation*

SO ORDERED:



The Honorable Thomas F. Hogan  
Chief Judge

Dated: July 6, 2002