

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

MAY 22 2002

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

_____)	
In re: Vitamins Antitrust Litigation)	Misc. NO. 99-197 (TFH)
)	
This Document Relates to:)	MDL No. 1285
)	
NBTY, Inc., Rexall Sundown, Inc., Twin)	Case No. 99-CV-2372
Laboratories, Inc., and Cambr Company,)	(D.D.C.)
Inc., f/k/a Solgar Vitamin & Herb Company v.)	
F. Hoffmann-LaRoche Ltd., et al., Case No.)	
CV-99-4380 (E.D.N.Y.),)	
)	
Perrigo Company v. F. Hoffmann-LaRoche)	Case No. 99-CV-2411
Ltd., et al., Case No. 99-CV-0590 (E.D. Mich.),)	(D.D.C.)
)	
Natural Alternatives International, Inc.,)	Case No. 99-CV-2682
Nutraceutical Corporation, Makers of)	(D.D.C.)
Kal, Inc. v. F. Hoffmann-La Roche Ltd.,)	
et al., Case No. 99-CV-18585 (S.D. Cal.),)	
)	
Leiner Health Products, Inc. v. F. Hoffmann-)	Case No. 99-CV-3047
La Roche Ltd., et al., Case No. 99-09832-JSL)	(D.D.C.)
(C.D.Cal.),)	
)	
Conopco, Inc. v. F. Hoffmann-LaRoche, Ltd.)	Case No. 00-CV-1727
et al., Case No. 00-CIV-3572 (S.D.N.Y.).)	(D.D.C.)
_____)	

STIPULATION [
C O N C E R N I N G

WHEREAS Plaintiffs in the above-captioned litigation ("Plaintiffs") and Takeda Chemical Industries, Ltd. and Takeda Vitamin & Food USA, Inc. (collectively, "Takeda") are actively engaged in settlement negotiations;

WHEREAS Plaintiffs wish to avoid the possibly unnecessary expense of farther preparing and exchanging expert reports and the related discovery;

3081

WHEREAS the parties are currently obligated to exchange their expert reports and related materials and take their expert depositions in accordance with the Court's Order Re: Third Amended Pretrial Schedule, dated March 21, 2002 (the "March 21, 2002 Order");

NOW THEREFORE,

It is hereby STIPULATED AND AGREED, by and between undersigned counsel for Plaintiffs and Takeda, that, in the event a settlement is not reached:

1. Plaintiffs shall serve their expert report by June 21, 2002;
2. Takeda shall serve its responding expert report by July 26, 2002;
3. Plaintiffs shall serve their rebuttal expert reports, if any, by August 14, 2002;
4. Takeda shall take depositions of Plaintiffs' expert(s) from August 19, 2002-September 11, 2002 and Plaintiffs shall take depositions of Takeda's expert(s) from September 16, 2002-October 10, 2002.
5. Plaintiffs and Takeda agree not to resist producing the aforementioned expert witnesses for depositions on the grounds that the dates to take expert depositions set for the in the March 21, 2002 Order have passed.
6. Nothing in this Stipulation shall be construed to affect the close of expert discovery with respect to discovery of other parties to this litigation.
7. By signing this stipulation, Takeda does not waive any defense previously asserted by Takeda and all such defenses are hereby expressly preserved.

Dated: May 17, 2002

KENNY NACHWALTER SEYMOUR
ARNOLD CRITCHLOW & SPECTOR, P.A.

By: 
William J. Blechman
201 South Biscayne Boulevard
Miami, Florida 33 13 1-4327
(305) 373-1000

*Counsel for Plaintiffs in the above-
captioned litigations*

Respectfully submitted,

WHITE & CASE LLP

By: 
Lawrence Byrne
1155 Avenue of the Americas
New York, New York 10036
(212) 819-8200

*Counsel for Defendants Takeda
Chemical Industries, Ltd., Takeda
Vitamin & Food USA, Inc. and,
for purposes of this Stipulation,
Liaison Counsel for Defendants*

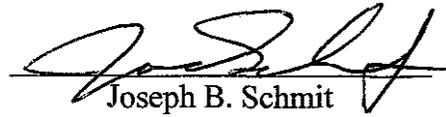
SO ORDERED:


THOMAS F. HOGAN
UNITED STATES DISTRICT JUDGE

DATED: 

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that on the 17th day of May 2002, he caused a true and correct copy of the foregoing Stipulation [and Proposed Order] Concerning Expert Discovery to be served on all counsel of record by electronic service pursuant to the Court's Order Regarding Electronic Service, dated May 17, 2000, utilizing the Verilaw electronic service procedure.


Joseph B. Schmit