

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

In re Vitamin Antitrust Litigation

This document relates to:  
ALL ACTIONS

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

FILED

JUN 17 2002

NANCY MAYER WHITTINGTON, CLERK  
U.S. DISTRICT COURT

*TFH*  
STIPULATION AND [PROPOSED] ORDER  
REGARDING DEPOSITION OF ALAN HARTLEY

WHEREAS, on May 23, 2002, plaintiffs in the above-captioned actions moved for an order permitting them to pursue the deposition of Alan Hartley, an employee of an affiliate of Defendant BASF AG, after expiration of the May 21, 2002 cut-off for initiation of fact discovery;<sup>1</sup> and

WHEREAS Mr. Hartley has indicated that he would assert his Fifth Amendment rights in response to all substantive questions; and

WHEREAS Defendant BASF AG ("BASF") contends that plaintiffs must personally serve Mr. Hartley, a resident of Australia, with any deposition request pursuant to the Hague Convention on the Taking of Evidence Abroad;

NOW THEREFORE,

Plaintiffs in the above-captioned action and Defendant BASF AG ("the parties"), by and through their respective counsel, hereby stipulate and agree as follows:

<sup>1</sup> Plaintiffs' Memorandum in Support of Motion for Leave to Pursue Deposition of Alan Hartley, filed under seal, can be found at Verilaw No. 9488.

Mr. Hartley has agreed to appear for a deposition noticed and taken pursuant to the Federal Rules of Civil Procedure on the following conditions: (1) plaintiffs will utilize the "summary procedures" set forth in the Court's order dated December 21, 2001 Re: Depositions of Witnesses Who Intend to Assert the Fifth Amendment ("Fifth Amendment Protocol"); (2) plaintiffs shall take the deposition by telephone without recording the deposition on videotape; (3) Mr. Hartley may appear for the deposition at a location of his choosing in Australia; (4) plaintiffs will not use the entire allotment of 40 oral questions that are permitted under the Court's Fifth Amendment Protocol and intend to limit their substantive questions to no more than 10.

Plaintiffs agree to Mr. Hartley's conditions based on assurances that counsel will agree to permit the court reporter to administer the oath and transcribe the deposition from the location of the questioning in Washington D.C.

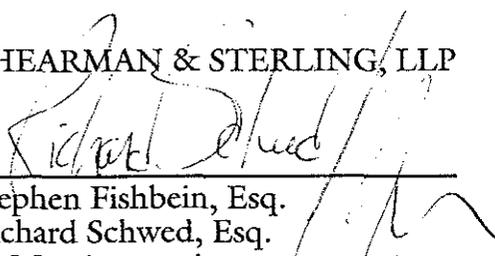
Plaintiffs agree to withdraw plaintiffs' pending Motion for Leave to Pursue Deposition of Alan Hartley upon entry of this Order.

Upon authorization for leave to pursue Mr. Hartley's deposition, Plaintiffs shall duly notice Mr. Hartley's telephone deposition for a mutually agreeable date and time.

Dated: June 12, 2002

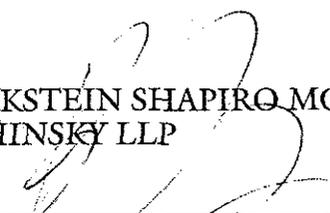
Respectfully submitted,

SHEARMAN & STERLING, LLP

  
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*On behalf of Defendant BASF AG*

DICKSTEIN SHAPIRO MORIN &  
OSHINSKY LLP

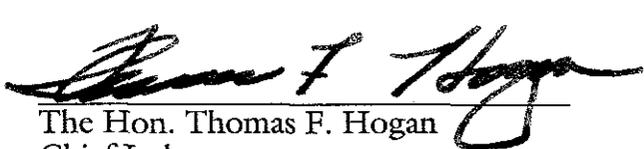
  
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*On behalf of all Plaintiffs for Purposes of this  
Stipulation*

SO ORDERED.

June 11, 2002

  
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The Hon. Thomas F. Hogan  
Chief Judge  
United States District Court for the  
District of Columbia