

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

IN RE:

VITAMINS ANTITRUST LITIGATION

THIS DOCUMENT RELATES TO:

Livengood Feeds, Inc., et al.,
on its behalf and on behalf of
all others similarly situated,

Plaintiffs,

v.

Merck KgaA, et al.,

Defendants.

and

Animal Science Products, Inc., et al.,
on its behalf and on behalf of
all others similarly situated,

Plaintiffs,

v.

Chinook Group, Ltd., et al.,

Defendants.

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

FILED

SEP 16 2002

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT


[PROPOSED] ORDER GRANTING
PLAINTIFFS' MOTION TO AMEND
THE CERTIFIED VITAMIN PRODUCTS
CLASS DEFINITION

WHEREAS, on February 25, 2002, the Court certified this action as a class action pursuant to Rule 23 of the Federal Rules of Civil Procedure, on behalf of two plaintiff classes — a Vitamin Products Class and a Choline Chloride Class; and

WHEREAS, the Vitamin Products Class, as certified, was defined as:

All persons or entities who directly purchased vitamins A, C, E, B1, B2, B3, B5, B6, B12, H, beta carotene, astaxanthin, canthaxanthin, and/or vitamin premixes for delivery in the United States from any of defendants or their co-conspirators from January 1, 1990 through September 30, 1998. Excluded from the class are all governmental entities, defendants, their co-conspirators, and their respective subsidiaries and affiliates.

and

WHEREAS, Vitamin B9 was inadvertently omitted from the definition of the certified Vitamin Products Class;

NOW, THEREFORE, IT IS HEREBY ORDERED that:

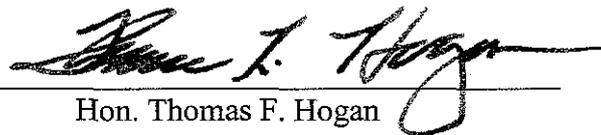
- The Court's Order granting class certification, dated February 25, 2002, is hereby amended *nunc pro tunc* to include Vitamin B9 within the definition of the certified Vitamins Products Class.

- The certified Vitamins Products Class is amended *nunc pro tunc* to be defined as follows:

All persons or entities who directly purchased vitamins A, C, E, B1, B2, B3, B5, B6, B9, B12, H, beta carotene, astaxanthin, canthaxanthin, and/or vitamin premixes for delivery in the United States from any of defendants or their co-conspirators from January 1, 1990 through September 30, 1998. Excluded from the class are all governmental entities, defendants, their co-conspirators, and their respective subsidiaries and affiliates.

IT IS SO ORDERED.

DATED: Sept. 16, 2002



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