

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

IN RE: )  
VITAMINS ANTITRUST LITIGATION )  
\_\_\_\_\_)  
THIS DOCUMENT RELATES TO: )  
ALL ACTIONS )  
\_\_\_\_\_)

Misc. No. 99-197 (TFH)

MDL No. 1285

**FILED**

**NOV 18 2002**

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

  
**(PROPOSED) STIPULATED ORDER REGARDING DAUBERT MOTIONS**

Pursuant to this Court's Memorializing Order dated November 13, 2002, the parties who will be trying their cases in the District of Columbia stipulate as follows:

1. The briefing schedule set by the Court for the Daubert Motions filed by the Roche Defendants against Dr. Douglas Bernheim and Dr. William Landes of Lexecon and by the Niacin defendants against Drs. Landes, Sider and Bamberger of Lexecon shall remain as previously set.

2. Counsel for the Kellogg Company shall take the deposition of William Taylor on November 25, 2002 in New York City at the offices of White & Case.

3. Counsel for the plaintiffs sponsoring the Expert Report of Robert C. Marshall shall take the deposition of Frederic Warren-Boulton on a mutually agreeable date during the week of December 16, 2002.

4. Plaintiffs shall file and serve their opposition briefs to the Daubert Motions directed by the Takeda and Roche defendants against Dr. Marshall and Dr. Jeffrey M. Perloff on December 30, 2002. Said defendants' Reply Briefs in Support of these Daubert Motions shall be served and filed on January 15, 2003.

5. Opposition Briefs to the Daubert Motions filed by the Niacin defendants against Dr. Bernheim and Dr. Perloff shall be due November 25, 2002. The Niacin Defendants' Reply Brief(s) in support of their Daubert Motion shall be filed and served on December 16, 2002.

6. The hearing on the defendants' respective Daubert Motions originally scheduled for December 12, 2002 shall be postponed to a time to be set by the Court during the period January 20-30, 2003.<sup>1</sup>

November 15, 2002

Respectfully submitted,

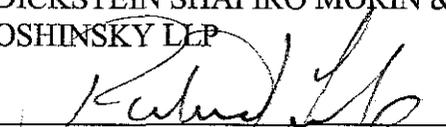
ARNOLD & PORTER

  
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*1/3 RSL w/  
permission*

*On behalf all Defendants trying their cases  
in Washington, D.C.*

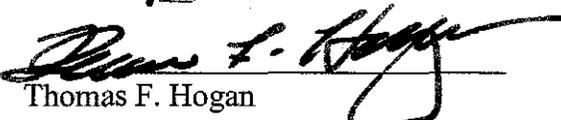
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OSHINSKY LLP

  
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(202) 786-9700

*On behalf of all Plaintiffs trying their cases  
in Washington, D.C.*

SO ORDERED.

November 15, 2002

  
Thomas F. Hogan  
Chief Judge

<sup>1</sup> Kellogg Company respectfully submits that its expert, Dr. Perloff, has advised that, due to his teaching schedule, the best days for hearing for him are, in order of preference, January 27, 24, or 31. Kellogg Company respectfully requests that the Court consider Dr. Perloff's teaching schedule in setting the hearing date but understands that the date of the hearing is to be set based on the Court's convenience.