

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

IN RE:)
VITAMINS ANTITRUST LITIGATION)

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

FILED

THIS DOCUMENT RELATES TO:)
ALL ACTIONS)

FEB 06 2003

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

ORDER

RE: February Status Conference/Pretrial Conference & Hearings

In light of the recent postponement of the hearings on (1) Niacin Defendants' Motion to Preclude the Expert Testimony of Dr. Bernheim and Dr. Perloff as Related to Niacin, and (2) Defendants' Motion *In Limine* to Exclude the Expert Reports and Testimony of Dr. Perloff,¹ the Court has determined it must reschedule the date of the February Status Conference and Pretrial Conference and the time limitations for the hearings in order to accommodate argument, testimony, and the Court's schedule. Thus, it is hereby **ORDERED** that:

(1) Niacin Defendants' Motion to Preclude the Expert Testimony of Dr. Bernheim and Dr. Perloff as Related to Niacin will be heard on **February 19, 2003 at 9:30 a.m.** (rather than 10:00 a.m. as ordered previously). The hearing will conclude promptly at 3:00 p.m. and if necessary will recommence February 20 at 9:30 a.m. Argument, direct and redirect examination shall be limited to 1 hour per side. Cross examination also shall be limited to 1 hour per side.

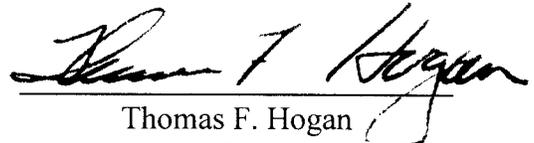
(2) Defendants' Motion *In Limine* to Exclude the Expert Reports and Testimony of Dr. Perloff shall be heard on **February 20, 2003 at 9:30 a.m.** (or immediately following the conclusion of the Niacin Defendants' Motion). Each side shall be limited to 30 minutes as no live testimony is anticipated.

¹The original motion was brought by BASF, Takeda, and Lonza. BASF withdrew participation in the motion on December 2, 2002 and Takeda moved to hold the motion in abeyance on January 31, 2003. Thus, Lonza is the only remaining proponent of the motion.

(3) The Status Conference and Pretrial Conference originally scheduled for February 19 will now be held on **Thursday, February 20, 2003 at 2:00 p.m.**

SO ORDERED.

February 6, 2003


Thomas F. Hogan
Chief Judge

Copies to:

Magistrate Judge Kay
Special Master Pollak
Plaintiffs' Liaison Counsel
Defendants' Liaison Counsel