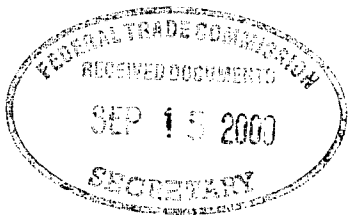
UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION



In the Matter of HOECHST MARION ROUSSEL, INC., a corporation, CARDERM CAPITAL L.P., a limited partnership, and ANDRX CORPORATION, a corporation.	Docket No. 9293

RESPONDENT AVENTIS PHARMACEUTICALS, INC.
MOTION FOR THE ISSUANCE OF A SUBPOENA *DUCES TECUM* TO THE DEPARTMENT OF VETERANS AFFAIRS

Pursuant to § 3.36 of the Federal Trade Commission's Rules of Practice, Respondent Aventis Pharmaceuticals, Inc. ("Aventis") formerly known as Hoechst Marion Roussel, Inc., hereby moves for an Order authorizing the issuance of a subpoena *duces tecum* to the United States Department of Veterans Affairs ("VA") calling for the production of those categories of documents identified in Exhibit A to the accompanying Declaration of D. E. Wilson, Jr. Carderm Capital L.P., and Andrx Corporation have indicated that they consent to the motion. Complaint counsel has indicated that it will not oppose this motion.

On June 14, 2000, complaint counsel provided notice that the FTC is contemplating calling an individual from the Veterans Administration as a witness in this matter.

The categories requested by the subpoena reflect complaint counsel's description of the proposed testimony.

The bases of this motion are set forth in the accompanying Memorandum in Support of Motion for the Issuance of a Subpoena *Duces Tecum* to the Department of Veterans Affairs.

Dated: September 15, 2000

Respectfully Submitted,

James M. Spears
Paul S. Schleifman
D. Edward Wilson, Jr.
Peter D. Bernstein
SHOOK HARDY & BACON, LLP
600 Fourteenth Street, N.W., Suite 800
Washington, D.C. 20005-2004
(202) 783-8400

James R. Eiszner
Scott E. DuPree
SHOOK HARDY & BACON, LLP
1200 Main Street
Kansas City, Missouri 64105-2118

Attorneys for Respondent
Aventis Pharmaceuticals, Inc.

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION

In the Matter of HOECHST MARION ROUSSEL, INC., a corporation, CARDERM CAPITAL L.P., a limited partnership, and ANDRX CORPORATION, a corporation.	Docket No. 9293

RESPONDENT AVENTIS PHARMACEUTICALS, INC.
MEMORANDUM IN SUPPORT OF MOTION FOR THE
ISSUANCE OF A SUBPOENA *DUCES TECUM*
TO THE DEPARTMENT OF VETERANS AFFAIRS

Pursuant to § 3.36 of the FTC's Procedures and Rules of Practice, Respondent Aventis Pharmaceuticals Inc. ("Aventis"), formerly known as Hoechst Marion Roussel, Inc. ("HMR") submits this Memorandum in Support of Motion for the Issuance of a Subpoena *Duces Tecum* to the Department of Veterans Affairs ("VA").[1] Carderm Capital L.P. and Andrx Corporation have indicated that they consent to the motion. Complaint Counsel has indicated that it will not oppose this motion.

---

[1] A proposed schedule identifying those categories of documents that Aventis seeks from the VA is annexed as Exhibit A to the accompanying Declaration of D. E. Wilson, Jr. (the "Wilson Declaration").

ARGUMENT

BECAUSE THE VA POSSESSES RELEVANT DOCUMENTS AND HAS BEEN IDENTIFIED BY COMPLAINT COUNSEL TO PROVIDE TESTIMONY IN THIS CASE, AVENTIS SHOULD BE PERMITTED TO SEEK THE REQUESTED DISCOVERY FROM THE AGENCY.

Section 3.36 of the FTC's Rules of Practice expressly authorizes the issuance of subpoenas upon other governmental agencies in the context of an FTC administrative proceeding. See 16 C.F.R. §3.36(a). Subpoenas directed to other governmental agencies must satisfy the following tripartite showing:

> (1) the material sought is reasonable in scope;
> (2) if for the purposes of discovery, the material falls within the limits of discovery under §3.31(b)(1); and
> (3) the information and material sought cannot reasonably be obtained by other means.

16 C.F.R. §3.36(b).

Aventis' proposed subpoena is narrowly drawn and satisfies these criteria. The information Aventis seeks from the VA is relevant to one or more of the central issues in this proceeding.

On June 14, 2000, complaint counsel provided notice that the FTC is contemplating calling an individual from the Veterans Administration as a witness in this matter.[2] Complaint counsel stated that the FTC "expects an individual from Veterans Administration to testify generally about the VA's prescription drug coverage program, contracting, and cost-containment strategies, and in particular, VA's selection of prescription

[2]See Exhibit B to the Wilson Declaration.

cardiovascular agents for its formulary." The categories requested by the subpoena reflect complaint counsel's description of the proposed testimony.

The first through sixth requests specifically relate to the question of VA's policies and practices with regards to the inclusion or exclusion of products from its pharmaceutical product formularies. The seventh through ninth requests relate to the treatment of care for hypertension and/or angina and the substitutability of one cardiovascular pharmaceutical product for another. The tenth, eleventh and thirteenth requests relate to VA's contracting experience with regard to cardiovascular pharmaceutical products. The twelfth request relates to specific data for the dispensing of cardiovascular pharmaceutical products. The thirteenth request calls for the names of individuals involved in contracting for cardiovascular pharmaceutical products on behalf of VA. The fourteenth request relates to VA's prescription pharmaceutical product coverage program in general. Finally, the fifteenth request relates to VA's cost-containment efforts with regards to prescription pharmaceutical product.

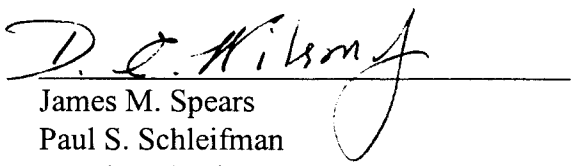
Aventis' proposed requests are narrowly drawn, and will only require the VA to search for responsive documents in discrete files at the agency. Given the nature of the documents requested, subpoenaing the VA will be by far the most expeditious (if not the only) method for Aventis to secure the desired information. In addition, Aventis plans to work with the appropriate officials at the VA to ensure that Aventis is taking advantage of publicly available material and therefore reducing the burden on the VA.

CONCLUSION

For the foregoing reasons, Aventis respectfully request that its motion be granted in all respects.

Dated: September 15, 2000

Respectfully Submitted,



James M. Spears
Paul S. Schleifman
D. Edward Wilson, Jr.
Peter D. Bernstein
SHOOK HARDY & BACON, LLP
600 Fourteenth Street, N.W., Suite 800
Washington, D.C. 20005-2004
(202) 783-8400

James R. Eiszner
Scott E. DuPree
SHOOK HARDY & BACON, LLP
1200 Main Street
Kansas City, Missouri 64105-2118

Attorneys for Respondent
Aventis Pharmaceuticals, Inc.

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION

In the Matter of HOECHST MARION ROUSSEL, INC., a corporation, CARDERM CAPITAL L.P., a limited partnership, and ANDRX CORPORATION, a corporation.	Docket No. 9293

ORDER GRANTING RESPONDENT AVENTIS PHARMACEUTICALS, INC. MOTION FOR THE ISSUANCE OF A SUBPOENA *DUCES TECUM* TO THE DEPARTMENT OF VETERANS AFFAIRS

On September 15, 2000, pursuant to Commission Rule 3.36, Respondent Aventis Pharmaceuticals, Inc. filed a motion for an order authorizing the issuance of a subpoena *duces tecum* to the United States Department of Veterans Affairs (VA). Respondent's motion is GRANTED.

Pursuant to Rule 3.34, in the event that the VA seeks to limit or quash the subpoena, the VA shall have ten days after service of the subpoena or the time for compliance therewith to file any such motion.

Aventis shall serve a copy of this order on the VA at the time it serves the subpoena.

ORDERED:

D. Michael Chappell
Administrative Law Judge

Date: September __, 2000

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION

In the Matter of HOECHST MARION ROUSSEL, INC., a corporation, CARDERM CAPITAL L.P., a limited partnership, and ANDRX CORPORATION, a corporation.	Docket No. 9293

DECLARATION OF D. E. WILSON, JR., IN SUPPORT OF RESPONDENT AVENTIS PHARMACEUTICALS, INC. MOTION FOR THE ISSUANCE OF A SUBPOENA *DUCES TECUM* TO THE DEPARTMENT OF VETERANS AFFAIRS

I, D. E. Wilson, Jr., pursuant to 28 U.S.C. § 1746, declare as follows,:

1. I am associated with the firm of Shook Hardy & Bacon LLP, counsel for respondent Aventis Pharmaceuticals, Inc. ("Aventis"). I submit this declaration: (a) to place before the Court a schedule of those documents Aventis seeks from the Department of Veterans Affairs; and (b) to apprise the Court that Aventis sought consent of the other parties prior to the filing of this motion.

2. Annexed hereto as Exhibit A is a copy of "Schedule A," which identifies those categories of documents Aventis seeks from the United States Department of Veterans Affairs.

3. Annexed hereto as Exhibit B is a copy of Complaint Counsel's Preliminary Witness List dated June 14, 2000.

4. Stacy Ehrlich, counsel for Carderm Capital L.P., and Hal Shaftel, counsel for Andrx Corporation, have consented to the motion. Bradley Albert, a Commission attorney serving as complaint counsel, indicated that he will not oppose this motion.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Washington, D.C., on September 15, 2000.

Respectfully Submitted,

D. E. Wilson, Jr.

EXHIBIT A

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION

SCHEDULE "A"

In the Matter of	)	
	)	Docket No. 9293
Hoechst Marion Roussel, Inc., et al.,	)	
	)	
Respondents	)	
	)	

AVENTIS PHARMACEUTICALS, INC.
SUBPOENA DUCES TECUM TO THE
DEPARTMENT OF VETERANS AFFAIRS

Respondent Aventis Pharmaceuticals, Inc., formerly known as Hoechst Marion Roussel, Inc., pursuant to the Federal Trade Commission's Rules of Practice for Adjudicative Proceedings, 16 C.F.R. § 3.36, requests that the U.S. Department of Veterans Affairs (hereinafter referred to as "VA") produce documents and other things for inspection and copying, within 20 days, in response to the Document Requests set forth below, and in accordance with the Definitions and Instructions following thereafter, at the offices of Shook, Hardy & Bacon, L.L.P., 600 14th Street, N.W., Washington, D.C. 20005, or such location as may be mutually agreed upon.

DOCUMENT REQUESTS

Request 1: All documents that reflect or relate to determining pharmaceutical products for inclusion in, or exclusion from, formularies, including but not limited to contract

manuals, contract training manuals, account training manuals, standard form contracts, discount grids, market share tiers, and market segment listings.

Request 2: All documents comprising pharmaceutical product formularies used in connection with any health benefit plan or prescription benefit plan through which you dispense pharmaceutical productions, or reimburse pharmacies and/or individuals for pharmaceutical products dispensed pursuant to doctors' prescriptions.

Request 3: All documents that reflect or relate in any manner to the classification of prescription pharmaceutical products in formularies, including the classification of pharmaceutical products for treatment purposes and for determining payment, co-payments or reimbursement amounts for individual participants and/or payments to pharmacies or pharmaceutical companies.

Request 4: All documents that reflect or relate to any process or criteria, whether clinical or economic, including those documents relating to any internal organization such as a Pharmacy and Therapeutics Committee ("P & T"), Medical Advisory Panel, or Pharmacy Benefits Management Panel, used to determine the cardiovascular pharmaceutical products to be included in, or excluded from, any formulary.

Request 5: All documents that reflect or relate to the policies or criteria for making any initial classification in formularies as well as any reclassification of any previously classified pharmaceutical product in subsequent formulary listings, included but not limited to Drug Class Review documents for pharmaceutical cardiovascular products.

Request 6: All documents that reflect or relate to the formularies in which Cardizem® CD has been listed, including but not limited to documents identifying all classifications or

categories in which Cardizem® CD has been listed in each formulary, as well as the other pharmaceutical products included in each category so described.

Request 7: All documents that reflect or relate to standards of care for the treatment of hypertension and/or angina through the use of cardiovascular pharmaceutical products, including but not limited to Clinical Practice Guidelines.

Request 8: All documents that reflect or relate, in any way, to the substitutability of any cardiovascular pharmaceutical product for any other cardiovascular pharmaceutical product.

Request 9: All documents that reflect or relate in any way to programs, campaigns or activities undertaken by you which are designed to require or encourage the use or substitution of any cardiovascular pharmaceutical product for any other cardiovascular pharmaceutical product.

Request 10: All documents that reflect or relate to agreements or contracts between you and any of the entities listed on Attachment 1 with regard to cardiovascular pharmaceutical products, including but not limited to national contracts for particular cardiovascular pharmaceutical products as well as blanket or incentive contracts for cardiovascular pharmaceutical products, and solicitations leading to such contracts.

Request 11: All documents that reflect or relate in any way to the negotiation of contracts or other agreements regarding discounts, rebates, credits, allowances, charge backs and other price adjustments between you and any of the entities listed on Attachment 1 with regard to cardiovascular pharmaceutical products.

Request 12: All data and reports, including but not limited to data and reports provided by third-party vendors such as IMS, that reflect or relate to the dispensing of cardiovascular pharmaceutical products by you, or on your behalf, on a monthly basis.

Request 13: All documents sufficient to identify the individual(s) (by name, address, position and date) who supervise the negotiation of contracts and/or agreements between you and any entity listed on Attachment 1 with regard to cardiovascular pharmaceutical products.

Request 14: All documents that reflect or relate to your prescription pharmaceutical product coverage program.

Request 15: All documents that reflect or relate to your cost-containment strategies for prescription pharmaceutical products.

DEFINITIONS AND INSTRUCTIONS

1. Unless otherwise stated, the requests herein refer to the time period of January 1, 1995 through present.

2. As used herein, the words "you" or "your" shall mean the Department of Veterans Affairs ("VA"), and each of its predecessors, successors, groups, divisions, affiliates, units or subunits however named (*e.g.*, Veterans Health Administration, Office of Acquisition & Material Management, or Veterans Integrated Service Networks), other agencies through which the VA operates, or which operates for or with the VA through agreements such as memoranda of understanding, joint purchasing agreements and delegations of authority, employees and contractors.

3. As used herein, the term "formulary" means a list of prescription pharmaceutical products generally covered under a health or prescription benefit plan subject to applicable limits and conditions. For the purposes of this document request, the term "formulary" excludes pharmaceutical products in classifications other than "cardiovascular pharmaceutical products"

but includes all descriptive material, including but not limited to operating guidelines, definitions and lists of abbreviations.

4. As used herein, "cardiovascular pharmaceutical products" means the products within the following subcodes of code 31000 of the IMS Uniform System of Classification:

31700	CALCIUM CHANNEL BLOCKERS
31141	ACE INHIB., ALONE
31410	BETA BLOCKERS
31440	ALPHA BLOCKERS
31151	AII RECEP BK ALONE
31142	ACE INHIB. W/ DIUR
31152	AII RECEP. BK COMBO
31143	ACE IN. W/OT A-HYPE
31420	ALPHA-BETA BLOCKER
31130	ANTIHYPRTNS/DIURET

5. As used herein, "Cardizem® CD" means the diltiazem formulation sold under this name.

6. As used herein, "person" means all employees, individuals, entities, consultants and contractors.

7. As used herein, the terms "document" or "documents" or "documentation" include these terms as defined by 16 C.F.R. § 3.34(b) and, in addition, the original or drafts or any kind of written, printed, recorded or graphic matter or sound reproduction, however produced or reproduced, whether sent or received or neither, and all copies thereof which are

different in any way from the original (whether by notation, indication of copies sent or received or otherwise) regardless of whether designated "Confidential," "Privileged" or otherwise and including, but not limited to, any correspondence, paper, book, account, drawing, agreement, contract, e-mail, handwritten notes, invoice, memorandum, telegram, object, opinion, purchase order, report, records, transcript, summary, study, survey recording of any telephone or other conversation, interviews or notes of any conference. The terms "document" or "documents" shall also include data stored, maintained or organized electronically or magnetically or through computer equipment, translated, if necessary, by you into reasonably usable form, and film impressions, magnetic tape and sound or mechanical productions of any kind or nature whatsoever.

8. Except for privileged materials, produce each responsive document in its entirety by including all attachments and all pages, regardless of whether they directly relate to the specified subject matter. Submit any appendix, table, or other attachment by either physically attaching it to the responsive document or clearly marking it to indicate the responsive document to which it corresponds. Except for privileged material, do not mask, cut, expunge, edit, or delete any responsive document or portion thereof in any manner.

9. As used herein, the words "describe", "relates to", "relating to", "reflects", "regarding", or equivalent language shall mean constituting, reflecting, respecting, supporting, contradicting, referring to, stating, describing, recording, noting, containing, monitoring, studying, analyzing, discussing, evaluating or relevant to.

10. As used herein, the connectives "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.

11. As used herein, the term "communication" means every manner of transmitting or receiving information, opinions, and thoughts whether orally, in writing, or electronically.

12. As used herein, the term "health benefit plan" refers to any plan which you operate or administer which provides health care, or provides for the payment or reimbursement of health care related expenses.

13. As used herein, the term "prescription benefit plan" refers to any plan which you operate or administer, either solely or in conjunction with another entity, which provides for the payment of or reimbursement for pharmaceutical products dispensed pursuant to doctors' prescriptions.

14. As used herein, the term "plan" or "plans" refers jointly to the health benefit plan and prescription benefit plan.

15. As used herein, the term "substitutability" refers to the degree to which you, doctors, patients, pharmacies, wholesalers, pharmacy benefit managers ("PBMs"), and/or health benefit plans shift purchases between or among pharmaceutical products based on considerations including, but not limited to, cost, efficacy, and side effects.

16. The response to each document production request is to be numbered in a manner consistent with these requests and is to be preceded by the specific request.

17. If any documents that are responsive to the document requests herein are withheld from production, furnish a list of all such documents withheld. Said list shall contain a complete

description of each document, including: (i) the type, date, and number of pages of the document; (ii) its title (if any); (iii) a general description of its subject matter; (iv) the identity of any attachments or appendices to the document; (v) the name and identification of each person to whom it is addressed; (vi) the name and identification of each person who received a copy thereof; (vii) the name and identification of the persons or person by whom it was written or generated; (viii) its present custodian; (ix) the ground or grounds upon which it is being withheld.

18. If a request is deemed objectionable, state the reasons for the objection. If a portion of a request is deemed objectionable, state the objection, and answer the remaining unobjectionable portion of the request.

SHOOK, HARDY & BACON L.L.P.

By: _____

James M. Spears
Paul S. Schleifman
D. E. Wilson, Jr.
Peter D. Bernstein
600 14th Street, N.W.
Washington, D.C. 20005-2004
202-783-8400

Attorneys for Respondent
Aventis Pharmaceuticals, Inc.

Dated: September 15, 2000

Attachment 1, attached

Attachment 1 to Subpoena Duces Tecum
Issued on Behalf of Aventis

Pfizer, Inc.
Merck & Co., Inc.
Astra Zeneca Pharmaceuticals LP
Novartis Pharmaceuticals Corporation
Abbott Laboratories Inc.
Mylan Pharmaceuticals Inc.
Parke-Davis
Key Pharmaceutical, Inc.
Bayer Corporation
G. D. Searle & Co.
Watson Laboratories, Inc.
Zenith Goldline Pharmaceuticals Inc.
Forest Pharmaceuticals, Inc.
Biovail Corporation
Teva Pharmaceuticals USA, Inc.

EXHIBIT B

UNITED STATES OF AMERICA
BEFORE FEDERAL TRADE COMMISSION

In the Matter of HOECHST MARION ROUSSEL, INC., a corporation, CARDERM CAPITAL L.P., a limited partnership, and ANDRX CORPORATION, a corporation.	Docket No. 9293

COMPLAINT COUNSEL'S PRELIMINARY WITNESS LIST

Pursuant to the Court's scheduling order, complaint counsel hereby designates those persons whom we currently contemplate calling to testify as witnesses at the hearing in this matter. We reserve the right to present testimony, by deposition or orally by live witness, from any other person who has been or may be identified by respondents as a potential witness in this matter and any person from whom discovery is sought. We also reserve the right to supplement this witness list as circumstances may warrant, in accordance with the Court's scheduling order. Finally, we reserve the right not to call any of the persons listed herein to testify at the hearing, as circumstances may warrant.

Subject to these reservations of rights, our preliminary list of witnesses is as follows:

THIRD PARTY WITNESSES

1. Fred Brownfield

Mr. Brownfield is the Director of Formulary Management and Contracting for Humana Healthcare. We expect Mr. Brownfield to testify generally about Humana's prescription drug coverage program, contracting, and cost-containment strategies, and, in particular, Humana's selection of prescription cardiovascular agents for its formulary.

2. Bruce Brydon

Mr. Brydon is the President and Chief Executive Officer of Biovail Corporation International. We expect Mr. Brydon to testify generally about the pricing and marketing of generic pharmaceutical products, and in particular, generic Cardizem CD. We also expect Mr. Brydon to testify generally about Biovail's efforts to develop once-a-day diltiazem products. In addition, we expect Mr. Brydon to testify about his participation in a series of meetings which took place between Hoechst Marion Roussel and Biovail Corporation in or around August 1997.

3. Kenneth Cancellara

Mr. Cancellara is the General Counsel of Biovail Corporation International. We expect Mr. Cancellara to testify about his participation in a series of meetings which took place between Hoechst Marion Roussel and Biovail Corporation in or around August 1997. In addition, we expect Mr. Cancellara to testify generally about Biovail's efforts to develop once-a-day diltiazem products, and the laws and regulations governing the development, approval, and marketing of drugs in the United States. We also expect Mr. Cancellara to testify about Biovail's efforts to enter into a licensing arrangement with Andrx.

4. Carmine Durham

Mr. Durham is the Director of Cardiovascular products for Knoll Pharmaceuticals. We expect Mr. Durham to testify about the sales, marketing, pricing, and product positioning of Isoptin SR, a prescription product containing the active ingredient verapamil.

5. Dean Goldberg

Mr. Goldberg is the Vice President of Clinical Pharmacy Management for United Healthcare. We expect Mr. Goldberg to testify generally about United's prescription drug coverage program, contracting, and cost-containment strategies, and, in particular, United's selection of prescription cardiovascular agents for its formulary.

6. Don Hagen

Mr. Hagen is the Vice President of Client and Pharmaceutical Business Development for Express Scripts. We expect Mr. Hagen to testify generally about Express Scripts' prescription drug coverage program, contracting, and cost-containment strategies, and, in particular, Express Scripts selection of prescription cardiovascular agents for its formulary.

7. Bob Jackson

Mr. Jackson is the Vice President of Pharmacy and Head of Clinical Pharmaceutical Management for Aetna US Healthcare. We expect Mr. Jackson to testify generally about Aetna's prescription drug coverage program, contracting, and cost-containment strategies, and, in particular, Aetna's selection of prescription cardiovascular agents for its formulary.

8. Dale Kramer

Mr. Kramer is the Director of Material Services, Pharmacy Operations for Kaiser Permanente. We expect Mr. Kramer to testify generally about Kaiser's prescription drug coverage program, contracting, and cost-containment strategies, and, in particular, Kaiser's selection of prescription cardiovascular agents for its formulary.

9. Eugene Melnyk

Mr. Melnyk is the Chairman of Biovail Corporation International. We expect Mr. Melnyk to testify about his participation in a series of meetings which took place between Hoechst Marion Roussel and Biovail Corporation in or around August 1997. In addition, we expect Mr. Melnyk to testify generally about Biovail's efforts to develop once-a-day diltiazem products, and the laws and regulations governing the development, approval, and marketing of drugs in the United States. We also expect Mr. Melnyk to testify about Biovail's efforts to enter into a licensing arrangement with Andrx.

10. Thomas Nee

Mr. Nee is the Director of Marketing/Cardiovascular for Forest Pharmaceuticals, Inc. We expect Mr. Nee to testify about the sales, marketing, pricing, and product positioning of Tiazac, a prescription drug product containing the active ingredient diltiazem.

11. Colonel Dan Remund

Colonel Remund is the Director of the Department of Defense's Pharmacoeconomic Center and co-chair of the DOD's Pharmacy & Therapeutics Committee. We expect Colonel Remund to testify generally about the DOD's prescription drug coverage program, contracting,

and cost-containment strategies, and, in particular, DOD's selection of prescription cardiovascular agents for its formulary.

12. Josh Tarnoff

Mr. Tarnoff is the current Marketing Director for Respiratory, and former Marketing Director for Cardiovascular, for AstraZeneca Pharmaceuticals. We expect Mr. Tarnoff to testify about the sales, marketing, pricing, and product positioning of Plendil, a prescription drug product containing the active ingredient felodipine.

13. Robert Wrobel

Mr. Wrobel is Vice President and Chief Legal Counsel for Alpharma. We expect Mr. Wrobel to testify about Alpharma's agreement to waive its FDA-granted right, as the first generic company to file a Paragraph IV certification under the Hatch-Waxman Act, to 180-days of marketing exclusivity.

14. United States Food & Drug Administration

We expect to call an individual from the Food and Drug Administration to testify generally about the regulatory approval process for Abbreviated New Drug Applications and regulations relating to the implementation of the Hatch-Waxman amendments. We intend to supplement this preliminary witness list with the name of the individual likely to testify after this person has been identified.

15. The Veterans Administration

We expect to call an individual from Veterans Administration to testify generally about the VA's prescription drug coverage program and cost-containment strategies, and, in particular, the VA's selection of prescription cardiovascular agents for its formulary. We will supplement this preliminary witness list with the name of the individual likely to testify after this person has been identified.

RESPONDENTS

1. Kelly Blinzler

Ms. Blinzler is the Manager of Forecasting for Hoechst Marion Roussel, Inc. We expect Ms. Blinzler to testify generally about Hoechst's sales projections and forecasting for prescription pharmaceutical products and, in particular, for Cardizem CD.

2. Elizabeth Braham

Ms. Braham is the Director of Financial Planning and Reporting for Hoechst Marion Roussel, Inc. We expect Ms. Braham to testify generally about Hoechst's financial planning, reporting, and forecasting for prescription pharmaceutical products and, in particular, for Cardizem CD.

3. Chih-Ming Chen

Dr. Chen is the Chief Scientific Officer and Co-Chairman of Andrx Corporation. We expect Dr. Chen to testify about Andrx's research and development efforts for its generic versions of Cardizem CD. We also expect Dr. Chen to testify about patents covering Cardizem CD and generic versions of Cardizem CD.

4. James Costigan

Mr. Costigan is a member of the law firm of Hedman, Gibson & Costigan, P.C., and was counsel to Andrx in the Southern District of Florida patent infringement litigation involving Hoechst Marion Roussel and Andrx. We expect Mr. Costigan to testify about his involvement in the patent infringement litigation and in the negotiation and drafting of the Hoechst/Andrx Stipulation and Agreement.

5. Randy Glover

Mr. Glover is the Vice President, Manufacturing Operations of Andrx Corporation. We expect Mr. Glover to testify generally about Andrx's manufacturing capabilities, and in particular, for its generic versions of Cardizem CD.

6. Elliott Hahn

Dr. Hahn is the President of Andrx Corporation. We expect Dr. Hahn to testify generally about his involvement in the negotiation and drafting of the Hoechst/Andrx Stipulation and Agreement. We also expect Dr. Hahn to testify about Andrx's development, manufacture, pricing, and marketing of its generic version of Cardizem CD.

7. Thomas Heyman

Mr. Heyman is a member in the law firm of Jones, Day, Reavis & Pogue, and was counsel to Hoechst Marion Roussel in the Southern District of Florida patent infringement litigation involving Hoechst Marion Roussel and Andrx. We expect Mr. Heyman to testify about his involvement in the patent infringement litigation and in the negotiation and drafting of the Hoechst/Andrx Stipulation and Agreement.

8. Scott Lodin

Mr. Lodin is a Vice President and General Counsel of Andrx Corporation. We expect Mr. Lodin to testify about his involvement in the negotiation and drafting of the Hoechst/Andrx Stipulation and Agreement and Stipulation and Order. We also expect Mr. Lodin to testify about Andrx's development, manufacture, pricing, and marketing of its generic version of Cardizem CD, and the laws and regulations governing the development, approval, and marketing of drugs in the United States.

9. Angelo Malahias

Mr. Malahias is the Vice President and Chief Financial Officer of Andrx Corporation. We expect Mr. Malahias to testify about Andrx's financial performance, viability, projections, and outlook.

10. Karen Rice

Ms. Rice is a Product Manager for Andrx Corporation. We expect Ms. Rice to testify generally about market planning and forecasting for prescription drug products, and in particular for generic versions of Cardizem CD.

11. Louis Solomon

Mr. Solomon is a member in the law firm of Solomon, Zauderer, Ellenhorn, Frischer & Sharp, and counsel to Andrx Corporation. As the primary negotiator, on behalf of Andrx, of the Hoechst/Andrx Stipulation and Agreement and Stipulation and Order, we expect Mr. Solomon to testify regarding his involvement in the negotiation and drafting of these documents.

12. James M. Spears

Mr. Spears is a member in the law firm of Shook, Hardy & Bacon and counsel to Hoechst Marion Roussel, Inc. As the primary negotiator, on behalf of Hoechst, of the Hoechst/Andrx Stipulation and Agreement and Stipulation and Order, we expect Mr. Spears to testify about his involvement in the negotiation and drafting of these documents.

13. Edward Stratemeier

Mr. Stratemeier is the General Counsel of Hoechst Marion Roussel, Inc. We expect Mr. Stratemeier to testify regarding his involvement in the negotiation and drafting of the Hoechst/Andrx Stipulation and Agreement and Stipulation and Order. In addition, we expect Mr. Stratemeier to testify regarding his participation in a series of meetings between Hoechst Marion Roussel and Biovail Corporation in and around August 1997. We also expect Mr.

Stratemeier to testify about the laws and regulations governing the development, approval, and marketing of drugs in the United States.

14. Hoechst § 3.33(c) deponent regarding sales and marketing of Cardizem CD

We expect an individual from Hoechst Marion Roussel to testify about Hoechst's sales and marketing activities related to Cardizem CD.

15. Andrx § 3.33(c) deponent regarding sales and marketing of generic Cardizem CD

We expect an individual from Andrx to testify about Andrx's sales and marketing activities related to generic versions of Cardizem CD.

Respectfully Submitted,

Markus H. Meier
Bradley S. Albert
Daniel A. Kotchen

Counsel Supporting the Complaint

Bureau of Competition
Federal Trade Commission
Washington, D.C. 20580

Dated: June 14, 2000

CERTIFICATE OF SERVICE

I, Markus H. Meier, hereby certify that on June 14, 2000, I caused a copy of the Complaint Counsel's Preliminary Witness List to be served upon the following persons via facsimile and first-class mail.

James M. Spears, Esq.
Shook, Hardy & Bacon, L.L.P
600 14th Street, N.W.
Suite 800
Washington, DC 20005-2004

Peter O. Safir, Esq.
Kleinfeld, Kaplan, and Becker
1140 19th Street, N.W.
9th Floor
Washington, DC 20036

Louis M. Solomon
Solomon, Zauderer, Ellenhorn,
Frischer, & Sharp
45 Rockefeller Plaza
New York, NY 10111

Markus H. Meier
Counsel Supporting the Complaint

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

In the Matter of **Hoechst Marion Roussel, Inc., et al.,** **Respondents.**	Docket No. 9293

CERTIFICATE OF SERVICE

I, D. E. Wilson, Jr., hereby certify that on September 15, 2000, a copy of Aventis Pharmaceuticals, Inc.'s Motion for an Order Authorizing the Issuance of a Subpoena *Duces Tecum* to the United States Department of Veterans Affairs was served upon the following persons by hand delivery and/or Federal Express as follows:

Donald S. Clark, Secretary
Federal Trade Commission
Room 172
600 Pennsylvania Ave., N.W.
Washington, D.C. 20580

Richard Feinstein
Federal Trade Commission
Room 3114
601 Pennsylvania Ave., N.W.
Washington, D.C. 20580

Hon. D. Michael Chappell
Administrative Law Judge
Federal Trade Commission
Room 104
600 Pennsylvania Ave., N.W.
Washington, D.C. 20580

Markus Meier
Federal Trade Commission
Room 3017
601 Pennsylvania Ave., N.W.
Washington, D.C. 20580

Louis M. Solomon [By FedEx]
Solomon, Zauderer, Ellenhorn,
Frischer & Sharp
45 Rockefeller Plaza
New York, NY 10111

Peter O. Safir
Kleinfeld, Kaplan and Becker
1140 19th St., N.W.
Washington, D.C. 20036

D. E. Wilson, Jr.