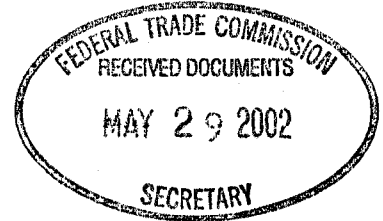


UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION



In the Matter of)
)
)

Schering-Plough Corporation,)
a corporation,)
)

Upsher-Smith Laboratories,)
a corporation,)
)

and)
)

American Home Products Corporation,)
a corporation.)
)

Docket No. 9297

ORDER ON FILING OF INITIAL DECISION

Rule 3.51(a) of the Commission's Rules of Practice requires that initial decisions be filed within 90 days after closing the hearing record. 16 C.F.R. § 3.51(a). In addition, the initial decision shall be filed within one year after the issuance of the complaint, except that the Administrative Law Judge may, upon a finding of extraordinary circumstances, extend the one-year deadline for a period of up to 60 days. 16 C.F.R. § 3.51(a). Such extension may be continued for additional consecutive periods of up to 60 days, provided that each additional period is based upon a finding by the Administrative Law Judge that extraordinary circumstances are still present. 16 C.F.R. § 3.51(a).

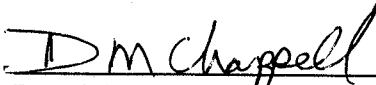
The complaint in this matter was issued on March 30, 2001. By Order dated March 14, 2002, the parties' joint motion for an extension of time was granted and the deadline for filing the initial decision was extended from April 1, 2002 to May 31, 2002. Extraordinary circumstances justifying the March 14, 2002 extension included the unusually broad scope of this matter which challenges two separate agreements, the parties' need to prepare proposed findings of fact and conclusions of law, and the Court's need for adequate time to consider the post trial briefs and the record and write the initial decision.

The trial commenced on January 23, 2002 and ended on March 28, 2002, taking 37 days and covering 8629 pages of transcript, with 41 witnesses testifying, and thousands of exhibits admitted into evidence. Closing arguments were heard on May 1, 2002.

The post trial briefs, proposed findings of fact, and conclusions of law, filed on April 15, 2002, consist of 11 volumes and 1404 pages. The reply briefs and responses to proposed findings of fact, filed on April 26, 2002, consist of 16 volumes and 3153 pages. The extensive record must be thoroughly reviewed. Accordingly, extraordinary circumstances are still present to justify an extension of an additional consecutive 60 day period.

The record was closed, pursuant to Rule 3.44(c), at the conclusion of the trial on March 28, 2002. The initial decision will be filed no later than June 26, 2002, 90 days from the close of the record and also within 60 days from May 31, 2002.

ORDERED:


D. Michael Chappell
Administrative Law Judge

Date: May 29, 2002