

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION**

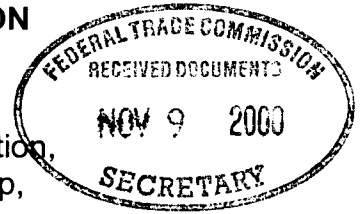
In the Matter of

HOECHST MARION ROUSSEL, INC., a corporation,
CARDERM CAPITAL L.P., a limited partnership,

and

ANDRX CORPORATION, a corporation.

DOCKET NO. 9293



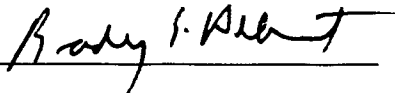
JOINT MOTION REGARDING MODIFICATION TO SCHEDULING ORDER

Pursuant to § 3.21(c)(2) of the FTC Rules of Practice of Adjudicatory Proceedings, Complaint Counsel and respondent Andrx Corporation ("Andrx") jointly move for a modification of the Amended Scheduling Order (dated October 19, 2000) (the "Scheduling Order") providing for a one-week extension of all deadlines and the commencement of the hearing. See Second Amended Scheduling Order (attached hereto). The basis for this motion is the scheduling of ongoing discovery beyond the current discovery cut-off of November 10, 2000, necessitating a corresponding adjustment in other dates on the Scheduling Order. The other respondents have been consulted in connection with this application and have no objection.

For the foregoing reasons, the parties respectfully request that this Court modify the Scheduling Order as requested.

Dated: November 9, 2000

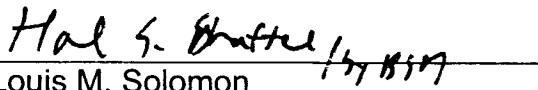
Respectfully Submitted,



Markus H. Meier
Bradley S. Albert

Counsel Supporting the Complaint
Bureau of Competition
Federal Trade Commission
Washington, D.C. 20580

SOLOMON, ZAUDERER, ELLENHORN,
FRISCHER & SHARP

By: 

Louis M. Solomon
Hal S. Shaffel
Colin A. Underwood

45 Rockefeller Plaza
New York, New York 10111
(212) 956-3700

Counsel for Respondent Andrx Corporation

**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

SECOND AMENDED SCHEDULING ORDER

- November 16, 2000 - Deadline for filing motions *in limine* and motions to strike.
- November 17, 2000 - Close of discovery, including experts, other than discovery permitted under Rule 3.24(a)(4).
- November 22, 2000 - Exchange final proposed witness and exhibit lists, including designated testimony to be presented by deposition, and a brief summary of the testimony of each witness and copies of exhibits not previously provided. The final proposed witness list may not include additional witnesses not listed in the preliminary or revised preliminary witness lists previously exchanged unless good cause is shown.
 - Exchange proposed stipulations of law, facts, and authenticity.
- November 27, 2000 - Deadline for filing responses to motions *in limine* and motions to strike.
 - Exchange responses to proposed stipulations of law, facts, and authenticity.
- November 28, 2000 - Deadline for filing motions for *in camera* treatment of proposed trial exhibits.

- December 4, 2000 - Exchange responses to any designated deposition testimony.
- Deadline for filing responses to motions for *in camera* treatment of proposed trial exhibits.
- File pretrial briefs identifying the legal matters, supported by legal authority, and factual matters to be decided by the Administrative Law Judge.
- December 6, 2000 - File final stipulations of law, facts, and authenticity. Any subsequent stipulations may be filed as agreed by the parties.
- December 8, 2000 - Final prehearing conference to be held at 10:00 a.m. in room 532, Federal Trade Commission building, 600 Pennsylvania Avenue, N.W., Washington, D.C. The parties are to meet and confer prior to the conference regarding trial logistics and proposed stipulations of law, facts, and authenticity and any designated deposition testimony. All trial exhibits will be admitted or excluded. All outstanding evidentiary or other pending motions (except motions for summary decision) and any matter that may aid in the orderly and expeditious disposition of the case will be resolved.
- December 12, 2000 - Commencement of the Hearing.

ORDERED:

D. Michael Chappell
Administrative Law Judge

Dated: November ____, 2000

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

**PROPOSED ORDER ON THE JOINT MOTION REGARDING
MODIFICATION TO THE SCHEDULING ORDER**

On November 9, 2000, pursuant to Section 3.21(c)(2) of the Federal Trade Commission's Rules of Practice, 16 C.F.R. § 3.21(a)(2), Complaint Counsel and Respondent Andrx Corporation, in consultation with the other respondents who do not object, filed a joint motion for an order to modify the Amended Scheduling Order dated October 19, 2000, including adjourning the commencement of the hearing to December 12, 2000.

The motion is hereby GRANTED.

SO ORDERED:

D. Michael Chappell
Administrative Law Judge

Dated: November __, 2000

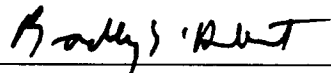
CERTIFICATE OF SERVICE

I, Bradley S. Albert, hereby certify that on November 9, 2000, I caused a copy of the Joint Motion Regarding Modification to Scheduling Order to be served upon the following persons via facsimile and First Class Mail.

Michael Koon, 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



Bradley S. Albert