

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

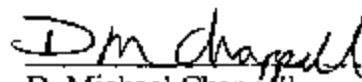
**ORDER DENYING COMPLAINT COUNSEL'S MOTION TO STRIKE
WITNESSES FROM UPSHER-SMITH'S FINAL WITNESS LIST**

On December 19, 2001, Complaint Counsel filed a motion to strike witnesses from Upsher-Smith Laboratories' ("Upsher-Smith") final witness list. Upsher-Smith filed an opposition on December 31, 2001.

Complaint Counsel states that Upsher-Smith's final witness list includes an improper designation of three broad categories of witnesses, without specifically identifying individual witnesses within those categories. Upsher-Smith asserts that it has no need or intention to call any additional witnesses from the three categories identified in Complaint Counsel's motion. Upsher-Smith further asserts that the motion is unnecessary and moot because Upsher-Smith disclaims any intention to call additional witnesses from these categories.

Accordingly, Complaint Counsel's motion is DENIED WITHOUT PREJUDICE.

ORDERED:


D. Michael Chappell
Administrative Law Judge

Date: January 22, 2002