

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

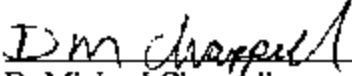
ORDER ON APPLICATIONS FOR ISSUANCE OF SUBPOENAS

Complaint Counsel filed a motion seeking the issuance of nine subpoenas *ad testificandum* on December 31, 2001. Respondent Upsher-Smith Laboratories filed two motions seeking the issuance of a total of twenty-four subpoenas *ad testificandum* on January 4, 2002 and January 11, 2002. Respondent Schering-Plough Corporation filed two motions seeking the issuance of a total of twenty subpoenas *ad testificandum* on January 10, 2002 and January 11, 2002.

Pursuant to Rule 3.34(a)(2) of the Commission's Rules of Practice, each of the parties have filed applications for the issuance of subpoenas commanding persons to attend and give testimony at an adjudicative hearing. The individuals for whom each of the subpoenas is sought appear on at least one of the parties' final witness lists. The testimony that is sought appears to be reasonably relevant. The parties have not represented whether the individuals are located in the United States.

The motions are GRANTED, with the limitation that subpoenas for individuals located outside the United States will not be issued unless the requirements of Rule 3.36 are met. The parties shall prepare the subpoenas for my signature and arrange an appropriate time to pick them up.

ORDERED:


D. Michael Chappell
Administrative Law Judge

Date: January 14, 2002