

not move to quash the subpoena in toto is believed

to be a clear violation of the attorney-client privilege that Proskauer did not violate.

sues, the related Andrx

client Biovail

litigation (the "New Jersey Action") have long-since

concluded. The subpoena is subject to resolution of Proskauer's confidentiality

privilege documents it has sought.

Proskauer's documents are now available to Biovail, and the two parties have exchanged

documents in the New Jersey Action. In addition, Proskauer has produced all relevant

mutual discovery obligations on both Andrx and Biovail.

as substantial concerns regarding the

Contrary to Andrx's suggestion, Biovail has

not sought to impose its own discovery obligations on Andrx and Biovail, however, are attempting to resolve

discrepancies between the two parties' responses to the subpoena. The parties are engaged in a process of

mutual review and exchange of documents to identify discrepancies and resolve them.

quash the non-privileged documents in Proskauer's possession responsive to the subpoena

New Jersey Action, which Andrx already

consist of the documents produced by Biovail in the Ne

responsive documents in Proskauer's

hose. Almost without exception, the balance of the respo

Demanding a speedy hearing been
granted, should not be disturbed.

Dated: July 17, 2000

Respectfully submitted,

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