UNITED STATES OF AMERICA BEFORE THE FEDERAL TRADE COMMISSION

original

In the Matter of Schering-Plough Corporation,	Constant Constant
a corporation,)
Upsher-Smith Laboratories, a corporation,) Docket No. 9297
and) PUBLIC
American Home Products Corporation, a corporation)

UPSHER-SMITH'S MOTION IN LIMINE TO BAR COMPLAINT COUNSEL'S PROPOSED USE OF TRANSCRIPT EXCERPTS

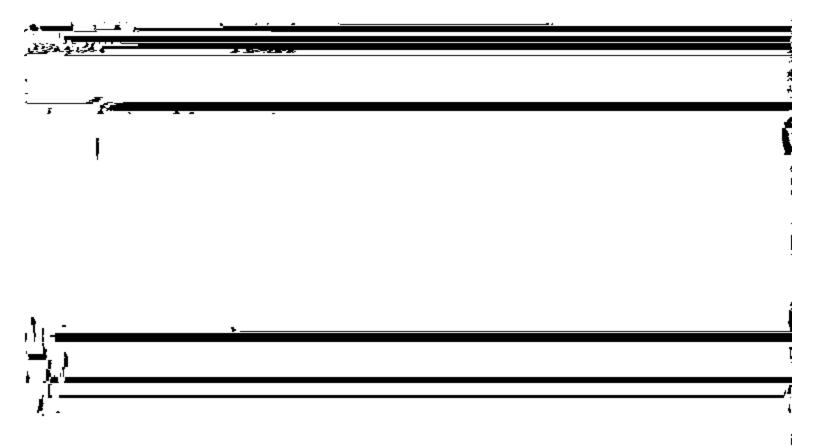
Upsher-Smith hereby moves to bar Complaint Counsel's proposed use of transcript

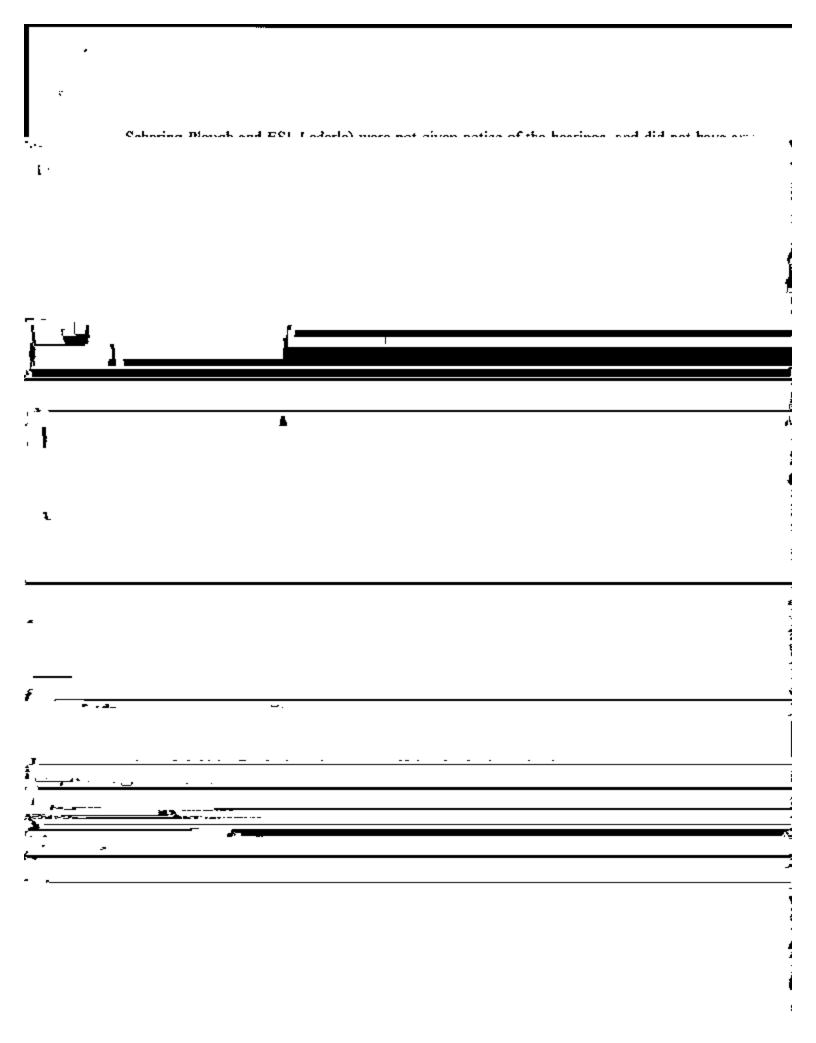
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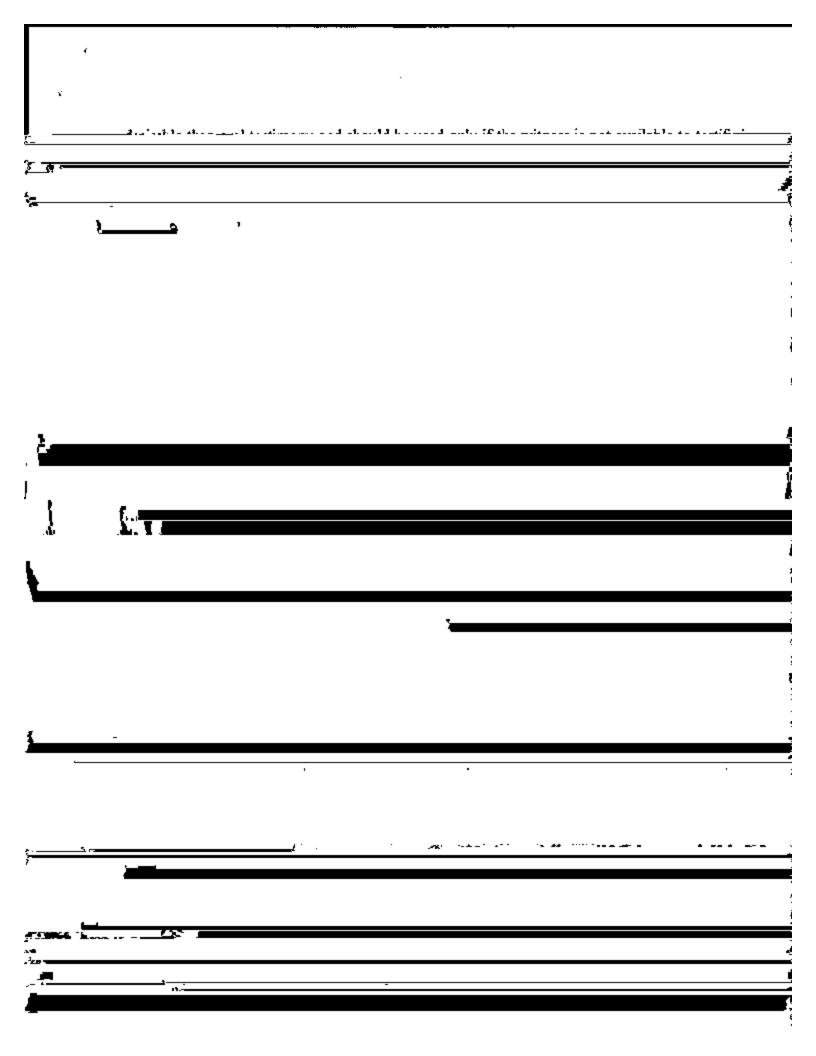
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) Docket No. 9297
) PUBLIC
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UPSHER-SMITH'S MEMORANDUM IN SUPPORT OF ITS MOTION IN LIMINE TO BAR COMPLAINT COUNSEL'S PROPOSED USE OF TRANSCRIPT EXCERPTS



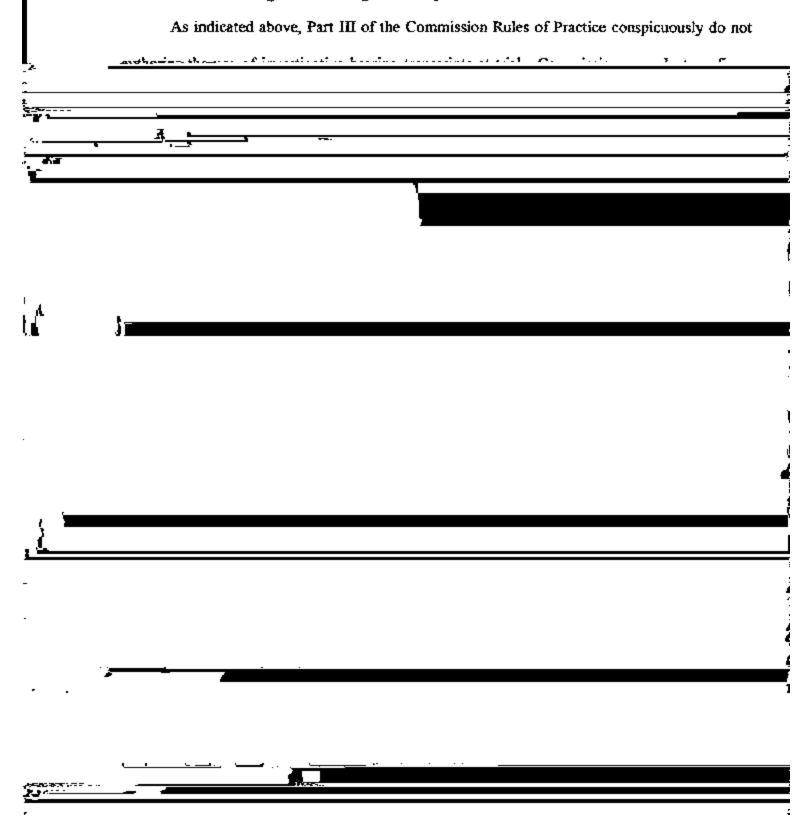


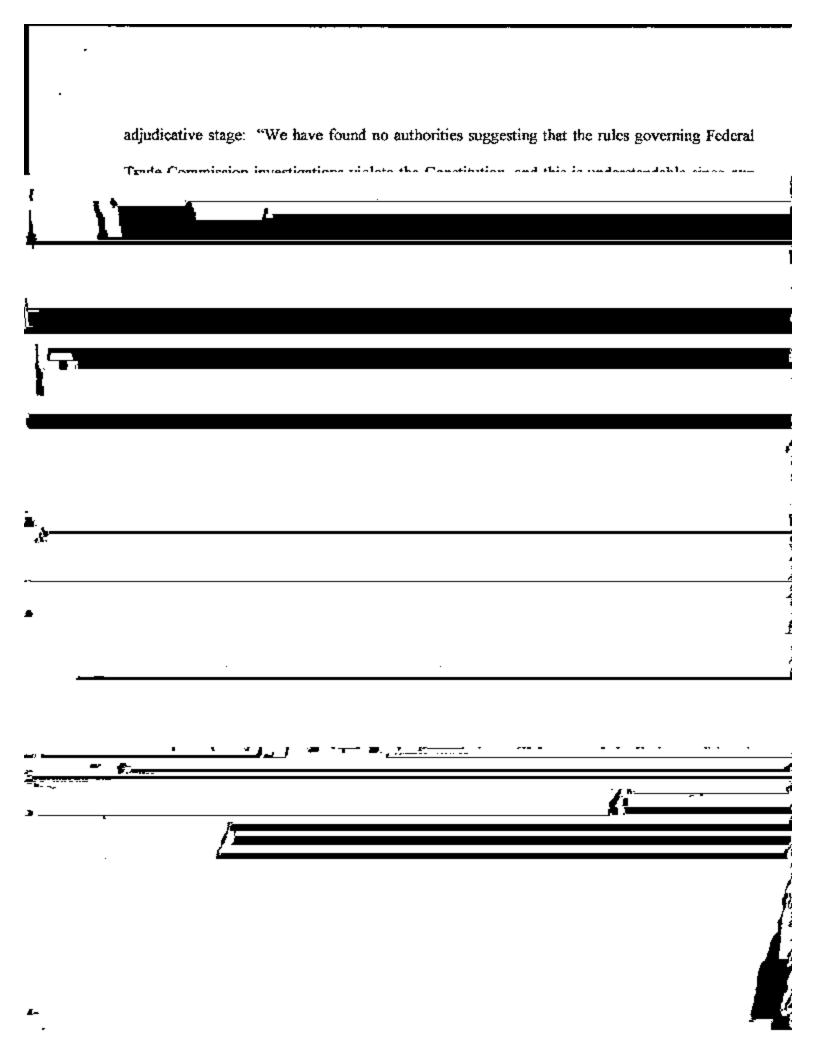
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	Depositions		
	Complaint Counsel also intend t	o rely upon transcripts of depositions taken in the	his
	propagation. These describions were tel-	on in assertance with Bout III of the Commission	
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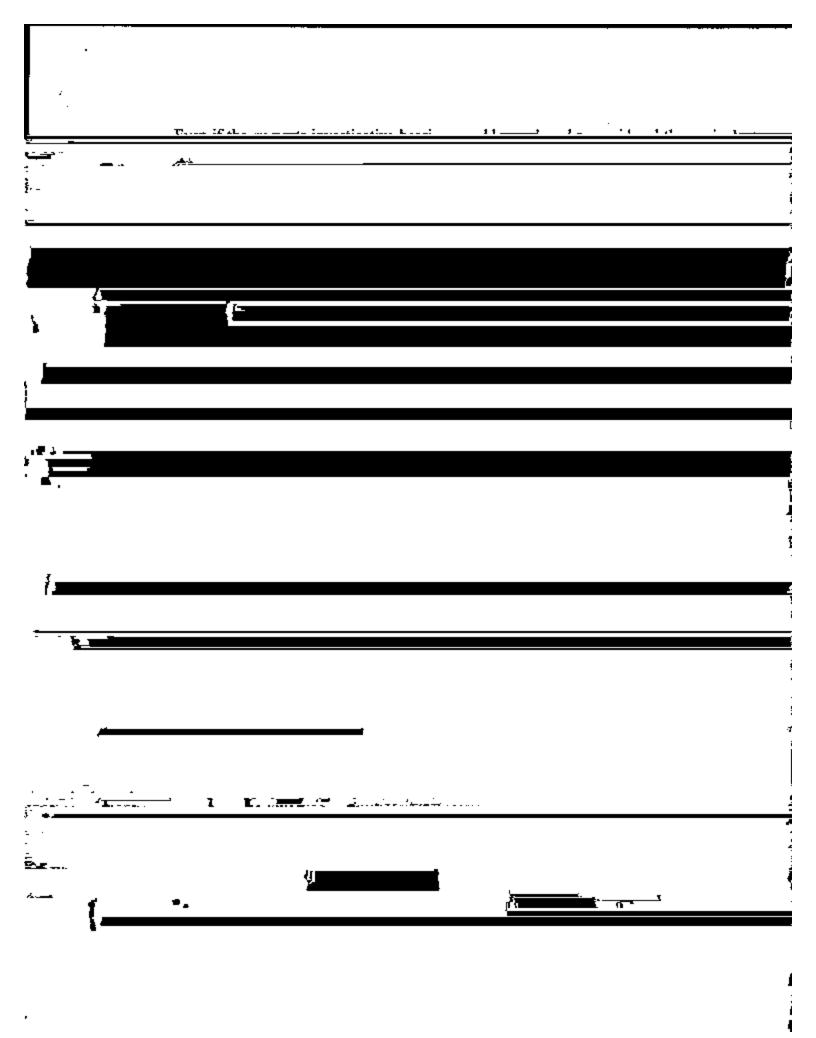


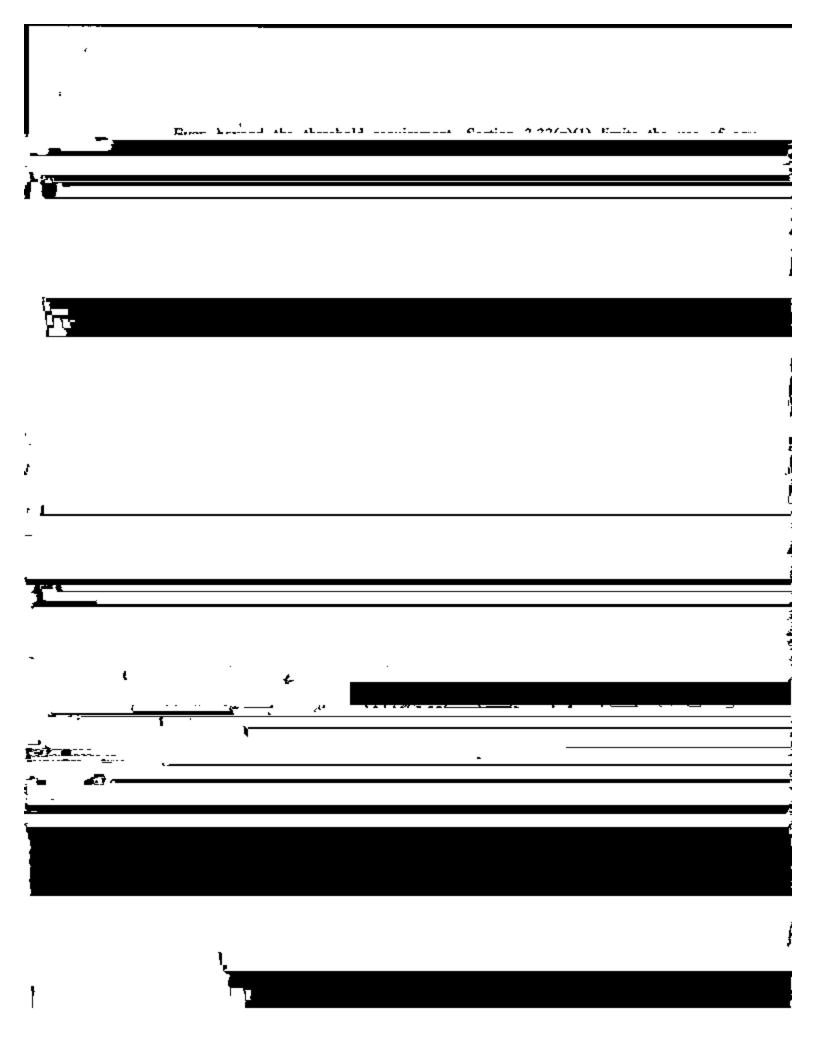
the investigative-hearing excerpts are plainly inadmissible, even if those hearings were considered to be "depositions," and most of the actual depositions are inadmissible as well.

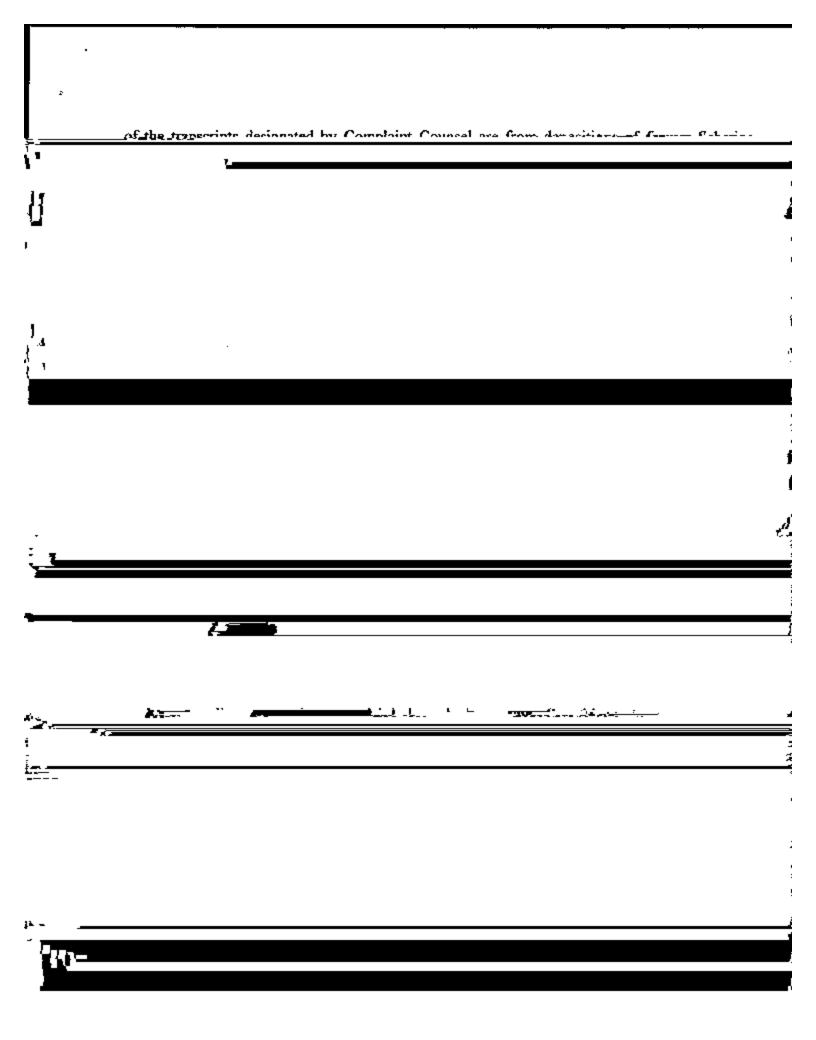
A. Investigative-Hearing Transcripts

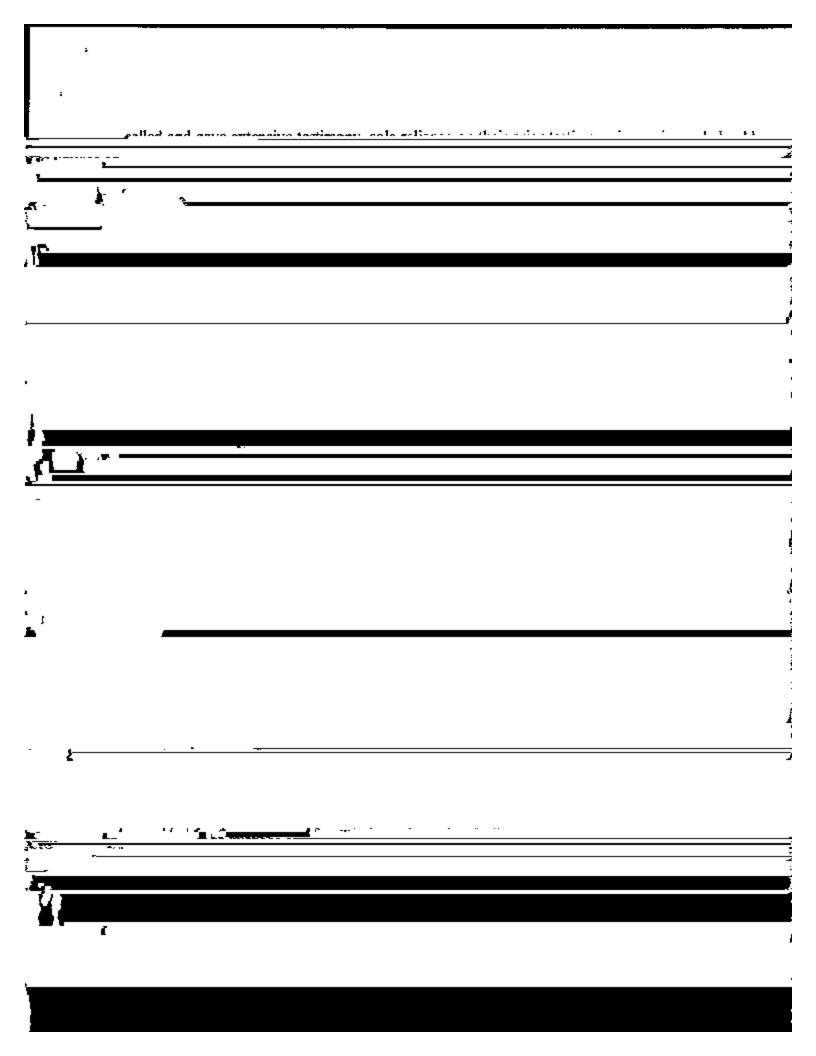




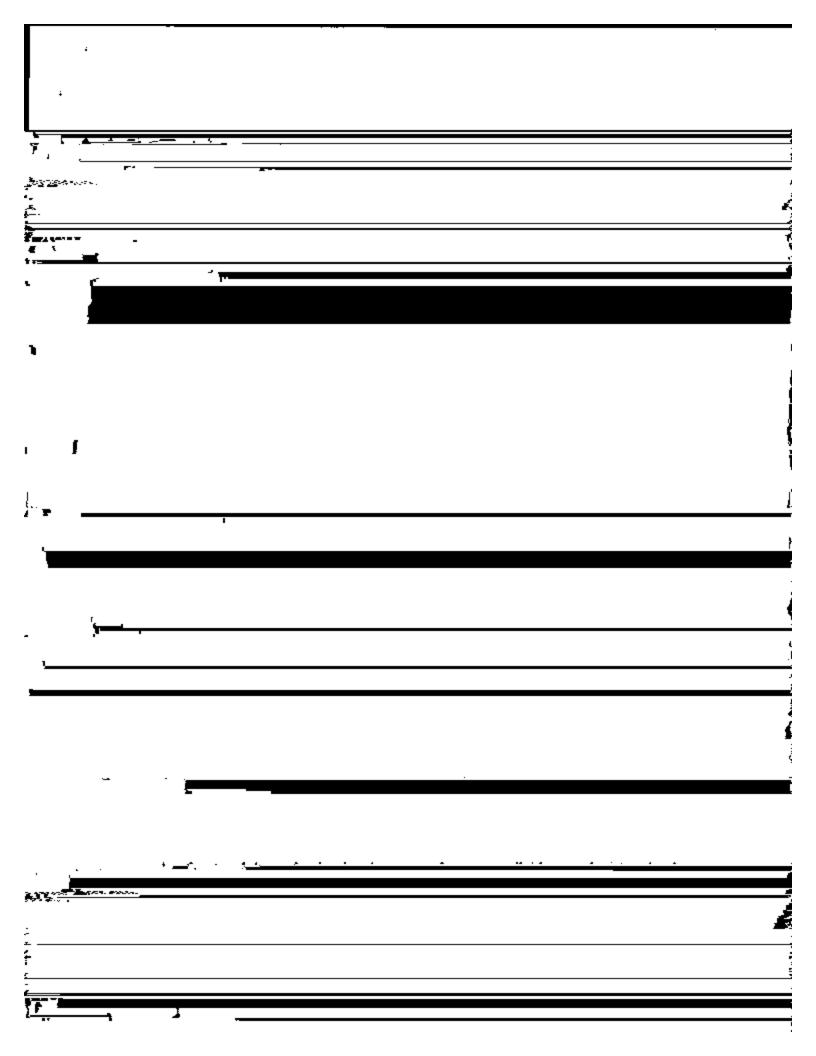








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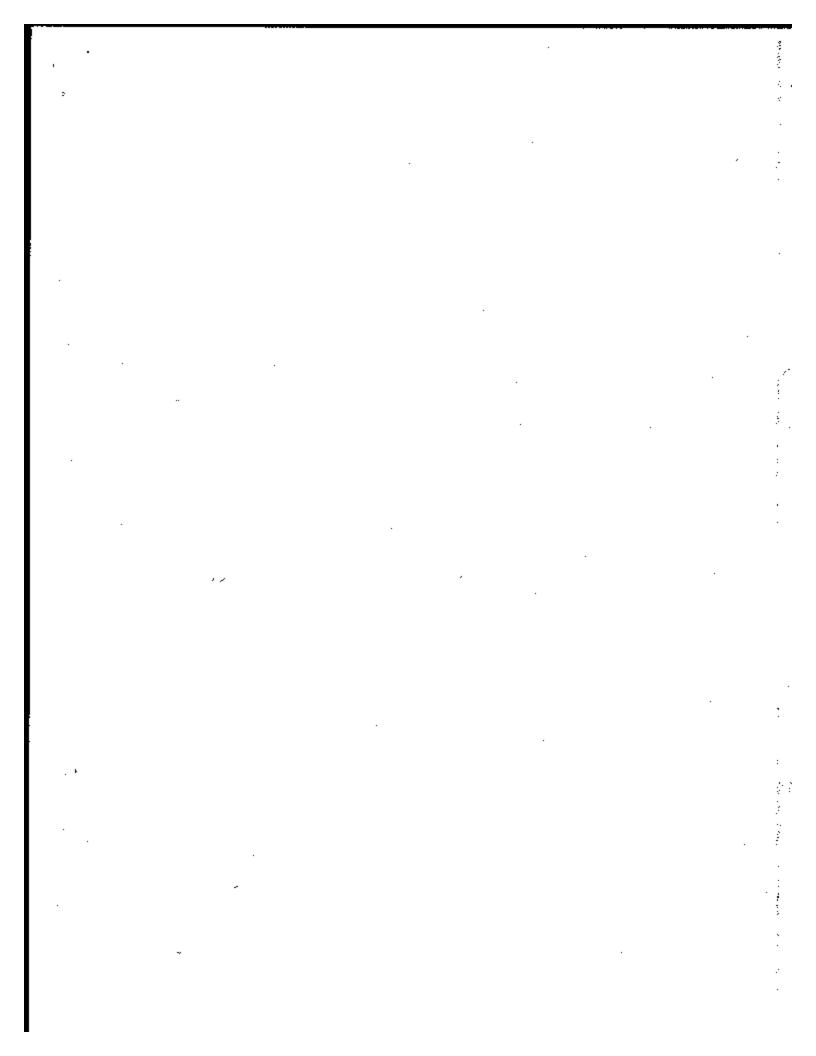


right to cross-examine. Under Section 3.33(g)(1) these transcripts are admissible for any purpose. Under the common practice described above and endorsed by the Eighth Circuit in Dhyne, Complaint Counsel ought to be required to call Upsher-Smith's officers live as a

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