

In the Matter of

Schering-Plough Corporation,
a corporation,

Upsher-Smith Laboratories, Inc.,
a corporation,

Docket No. 9297

It thus appears that Complaint Counsel's expectations as to Mr. Rosenthal's testimony

are based entirely on his *Harold/Anita* deposition. Yet Complaint Counsel refused to produce

this testimony.

Complaint Counsel's refusal to produce this prior testimony of a witness they proffer is

this approach would more fully apprise counsel for respondents of witnesses' expected testimony, and would make cross-examination possible without either a

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION

In the Matter of)

Schering-Plough Corporation,)
a corporation,)

Upsher-Smith Laboratories, Inc.,)
a corporation,)

and)

American Home Products Corporation,)
a corporation.)

Docket No. 9297

**ORDER GRANTING UPSHER-SMITH'S MOTION TO COMPEL COMPLAINT
COUNSEL TO PRODUCE PRIOR TESTIMONY OF LAWRENCE ROSENTHAL**

Upon consideration of Upsher-Smith's Motion to Compel Complaint Counsel to Produce Prior Testimony of Lawrence Rosenthal, and the memorandum in support of its motion, it is hereby ORDERED that the motion is GRANTED, and that Complaint Counsel are required produce to Upsher-Smith all prior deposition transcripts and other statements of Lawrence Rosenthal.

CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of January, 2002 I caused copies of the public versions of Upsher-Smith's Motion to Compel Complaint Counsel to Produce Prior Testimony

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]