

**UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION**



In the Matter of

HOECHST MARION ROUSSEL, INC.,  
a corporation,

CARDERM CAPITAL L.P.,  
a limited partnership,

and

ANDRX CORPORATION,  
a corporation.

Docket No. 9293

TO: The Honorable D. Michael Chappell  
Administrative Law Judge

**CARDERM CAPITAL L.P.'S STATEMENT OF THE CASE  
AND REPORT ON SETTLEMENT NEGOTIATIONS  
AND COMPLIANCE WITH DISCOVERY**

In accordance with the April 26, 2000 Scheduling Order, Carderm Capital L.P. ("Carderm") provides this statement of the case and report on settlement negotiation and compliance with discovery.

**I. STATEMENT OF THE CASE**

Carderm adopts by reference Aventis Pharmaceutical, Inc.'s Statement of the Case, submitted September 13, 2000.

## **II. STATUS OF SETTLEMENT NEGOTIATIONS**

On behalf of Carderm as well as Aventis, Counsel for Aventis has had several telephone discussions and one face to face meeting with Complaint Counsel concerning the potential settlement of this matter. An outline of the parameters for a settlement has been discussed. These terms will be delivered to Complaint Counsel during the week of September 11, 2000.

## **III. COMPLIANCE WITH DISCOVERY**

The parties are endeavoring to complete discovery by the date set forth in the Court's Scheduling Order. Carderm believes that the parties have attempted to meet their scheduling obligations and have entered into discussions regarding discovery disputes in good faith and with minimal participation by the Court.

### **A. DISCOVERY REQUESTS TO CARDERM ISSUED FROM THE FEDERAL TRADE COMMISSION.**

To date, Complaint Counsel has served one set of requests for production on Carderm. Responsive documents have been provided on a rolling basis in accordance with agreements made between Counsel for Carderm and Complaint Counsel during "meet and confer" discussions.

### **B. DISCOVERY REQUESTS TO THE FEDERAL TRADE COMMISSION**

Carderm has served no discovery requests on Complaint Counsel.

### **C. THIRD PARTY DISCOVERY**

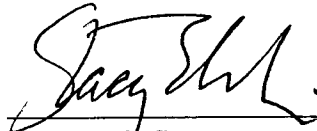
To date, Carderm has served no discovery on third parties.

**D. DEPOSITIONS**

To date, Complaint Counsel has taken the depositions of Lawrence Meyer, Gilles Cote and the Wilkerson Group. Several other depositions are scheduled and the parties are working this week to schedule as many of the remaining depositions as is reasonably possible.

Dated: September 13, 2000

Respectfully Submitted,



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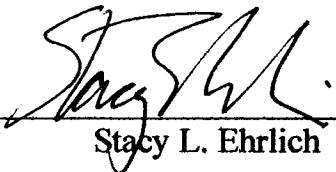
## CERTIFICATE OF SERVICE

I, Stacy L. Ehrlich, hereby certify that on September 13, 2000, I caused a copy of Carderm Capital L.P.'s Statement of the Case and Report on Settlement Negotiations and Compliance with Discovery by hand or Federal Express:

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