

OPPENHEIMER WOLFF & DONNELLY LLP

Plaza VII  
45 South Seventh Street  
Suite 3400  
Minneapolis, MN 55402-1609

(612) 607-7000  
FAX (612) 607-7100

Direct Dial: (612)-607-7251  
Direct Fax: (612) 607-7100  
E-Mail: WSippel@owdlaw.com

November 8, 1999

**VIA MESSENGER**

Clerk of the Appellate Courts  
305 Minnesota Judicial Center  
25 Constitution Avenue  
St. Paul, MN 55155-6102

Re: **Denise DeNardi v. F. Hoffmann La Roche, Ltd., et al.**  
**Hennepin County, No. 99-3132**

**Thomas Murr v. F. Hoffmann La Roche, Ltd., et al.**  
**Dakota County, No. 19-C9-99-9673**

**Custom Nutrition, Inc. and Brinton Veterinary**  
**Supply, Inc. v. F. Hoffmann La Roche, Ltd., et al.**  
**Kandiyohi County, No. 34-C4-99-01274(DMS)**

**Big Valley Milling, Inc. v. F. Hoffmann La Roche, Ltd., et al.**  
**Chippewa County, No. C1-99-405**

Dear Clerk of Court:

Enclosed herewith for filing please find the original and three copies of each of the following documents:

1. Motion to Transfer and Consolidate Multi-District Vitamin Antitrust Class Action Litigation;
2. Memorandum in Support of Motion to Transfer and Consolidate Multi-District Vitamin Antitrust Class Action Litigation;
3. Affidavit of Andrew S. Hansen;

Firm/Affiliate Offices  
Amsterdam  
Brussels  
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OFFICE OF  
APPELLATE COURTS

NOV 08 1999


FILED

Clerk of the Appellate Courts  
November 8, 1999  
Page 2

4. Proposed Order; and
5. Affidavit of Service.

Courtesy copies of these documents were sent to the judge or administrator presiding over each of the above-referenced cases.

Very truly yours,



William L. Sippel

WLS:prl  
Enclosures

cc: All Counsel of Record (w/o encls.), see attached Service List

## SERVICE LIST

Re: Denise DeNardi v. F. Hoffmann La Roche, Ltd., et al.  
Hennepin County, No. 99-3132

Thomas Murr v. F. Hoffmann La Roche, Ltd., et al.  
Dakota County, No. 19-C9-99-9673

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Big Valley Milling, Inc. v. F. Hoffmann La Roche, Ltd., et al.  
Chippewa County, No. C1-99-405

Michael W. Unger, Esq.  
Rider, Bennett, Egan  
& Arundel, LLP  
2000 Metropolitan Centre  
333 South Seventh Street  
Minneapolis, MN 55402

Jordan M. Lewis, Esq.  
Lewis, Siegel, Brill, Greupner, Duffy  
& Foster, P.A.  
1300 Washington Square  
100 Washington Avenue South,  
Minneapolis, MN 55401

Mark Savin, Esq.  
Faegre & Benson, LLP  
2200 Norwest Center  
90 South Seventh Street  
Minneapolis, MN 55402-3901

Todd Wind, Esq.  
Fredrikson & Byron, P.A.  
1100 International Centre  
900 Second Avenue South  
Minneapolis, MN 55402-3397

Samuel D. Heins, Esq.  
Heins Mills & Olson, P.L.C.  
700 Northstar East  
608 Second Avenue South  
Minneapolis, MN 55402

Dean A. LeDoux, Esq.  
Gray Plant Mooty Mooty & Bennett, P.A.  
3400 City Center  
33 South Sixth Street  
Minneapolis, MN 55402

James L. Volling, Esq.  
Faegre & Benson, LLP  
2200 Norwest Center  
90 South Seventh Street  
Minneapolis, MN 55402-3901

Neil Buethe, Esq.  
Briggs & Morgan  
2200 West First National Bank Building  
St. Paul, MN 55101

STATE OF MINNESOTA

IN SUPREME COURT

C6-99-1909

OFFICE OF APPELLATE COURTS

NOV 8 - 1999

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CASE TITLE:

In re Minnesota Vitamin Antitrust Litigation

Motion to Transfer and Consolidate Multi-District Vitamin Antitrust Class Action Litigation

TO: Chief Justice of the Minnesota Supreme Court

By this Motion, Movants seek to transfer and consolidate various class actions pursuant to Section 2 of Article VI of the Minnesota State Constitution, Minn. Stat. §§ 2.724 and 325D.57, and Rule 127 of the Minnesota Rules of Civil Appellate Procedure. There are currently four overlapping and duplicative class action lawsuits pending in Minnesota state courts that are based upon the same alleged conspiracy to fix prices, allocate markets, and otherwise violate The Minnesota Antitrust Act in the market for vitamins. Movants respectfully request this Court to exercise its supervisory power over the district courts by transferring and/or consolidating these actions with the Honorable Deborah Hedlund of the Fourth Judicial District, who is overseeing the first-filed of the four actions.

The currently pending cases that will be affected by this Court's order are as follows:

Denise DeNardi v. F. Hoffman La Roche, Ltd., et al.  
No. 99-3123, Hennepin County.

Thomas Murr v. F. Hoffman La Roche, Ltd., et al.  
No. 19-C9-99-9673, Dakota County.

Custom Nutrition, Inc. and Brinton Veterinary Supply, Inc. v. F. Hoffman La Roche, Ltd., et al.  
No. 34-C4-99-01274(DMS), Kandiyohi County.

Big Valley Milling, Inc. v. F. Hoffman La Roche, Ltd., et al.  
No. C1-99-405, Chippewa County.

Movants additionally request that all subsequently filed actions involving allegations of antitrust violations in connection with the alleged conspiracy to fix prices, allocate markets, and otherwise violate the Minnesota Antitrust Act in the market for vitamins, be transferred and consolidated in the Fourth Judicial District with all other such actions.

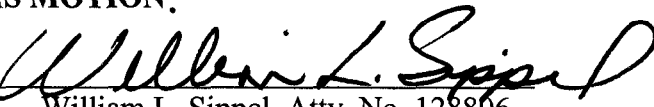
Transfer and/or consolidation of these overlapping class actions will help avoid duplicative recovery in accordance with a stated goal of the Minnesota Antitrust Act. See Minn. Stat. § 325D.57. Intervention by this Court is also necessary to conserve the resources of the courts and the parties, and to avoid inconsistent results.

This Motion is supported by the Memorandum in Support of Motion to Transfer and Consolidate Multi-District Vitamin Antitrust Class Action litigation, and the Affidavit of Andrew S. Hansen, filed herewith.

**ON BEHALF OF ALL DEFENDANTS  
LISTED BELOW FOR PURPOSES OF  
THIS MOTION.**

Dated: November 8, 1999.

By:

  
William L. Sippel, Atty. No. 128806  
James C. Zacharski, Atty No. 256018  
Andrew S. Hansen, Atty No. 285894  
OPPENHEIMER WOLFF & DONNELLY  
Plaza VII Building, Suite 3400  
45 South Seventh Street  
Minneapolis, MN 55402  
(612) 607-7251

Jacqueline R. Denning  
Richard B. Benenson  
Janice Rodriguez  
ARNOLD & PORTER  
Thurman Arnold Building  
555 12th Street, N.W.  
Washington, D.C. 20004  
(202) 942-5000  
*Attorneys for Hoffmann-La Roche Inc. and  
Roche Vitamins Inc.*

John French  
Mark Savin  
FAEGRE & BENSON, LLP  
2200 Norwest Center  
90 South Seventh Street  
Minneapolis, MN 55402-3901  
(612) 336-3000

*Attorneys for BASF Corporation*

Dean A. LeDoux  
Michael E. Martinez  
GRAY PLANT MOOTY MOOTY  
& BENNETT, P.A.  
3400 City Center  
33 South Sixth Street  
Minneapolis, MN 55402-3796  
(612) 343-2800

*Attorneys for Rhone-Poulenc Ag Company Inc.  
and Rhone-Poulenc Animal Nutrition Inc.*

James Volling  
Faegre & Benson  
2200 Norwest Center  
Minneapolis, MN 55402  
(612) 336-3000

*Attorneys for Chinook Group, Inc.*

Todd Wind  
Fredrickson & Byron  
1100 International Center  
900 2nd Avenue South  
Minneapolis, MN 55402  
(612) 347-7046

*Attorneys for Lonza Inc.*

Neil Buethe  
Briggs & Morgan  
2200 First National Bank Building  
St. Paul, MN 55101  
(651) 223-6450

*Attorneys for DUCOA L.P and DVC, Inc.*

STATE OF MINNESOTA )  
 ) ss.  
COUNTY OF HENNEPIN )

**AFFIDAVIT OF SERVICE VIA  
PERSONAL SERVICE**

Pamela Lewis, being first duly sworn on oath, says that on the 8th day of November, 1999, she served the following:

1. Motion to Transfer and Consolidate Multi-District Vitamin Antitrust Class Action Litigation;
2. Memorandum in Support of Motion to Transfer and Consolidate Multi-District Vitamin Antitrust Class Action Litigation;
3. Affidavit of Andrew S. Hansen; and
4. Proposed Order

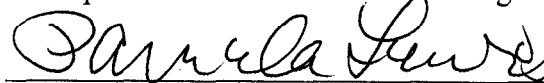
**VIA PERSONAL SERVICE** on:

Michael W. Unger, Esq.  
Rider, Bennett, Egan  
& Arundel, LLP  
2000 Metropolitan Centre  
333 South Seventh Street  
Minneapolis, MN 55402

Samuel D. Heins, Esq.  
Heins Mills & Olson, P.L.C.  
700 Northstar East  
608 Second Avenue South  
Minneapolis, MN 55402

Jordan M. Lewis, Esq.  
Lewis, Siegel, Brill, Greupner, Duffy  
& Foster, P.A.  
1300 Washington Square  
100 Washington Avenue South,  
Minneapolis, MN 55401

by causing to be personally served true and correct copies thereof on the above-designated parties at their addresses so listed.

  
Pamela Lewis

Subscribed and sworn to before  
me this 8th day of November, 1999.

  
NOTARY PUBLIC

