

FROM

(WED) 12. 1 '99 11:35/ST. 11:33/NO. 4860220955 P 2

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December 1, 1999

VIA FACSIMILE

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Re: S.C. Case No. C6-99-1909

Dear Counsel:

Yesterday morning, November 30, 1999, I received a telephone call from Richard Slowes, Commissioner of the Minnesota Supreme Court, regarding the Motion to Transfer and

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Michael W. Unger, et al.

December 1, 1999

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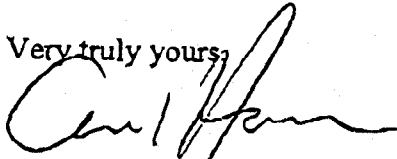
Consolidate all Minnesota vitamin antitrust claims, which is currently pending before the Court. Mr. Slowes informed me that he was directed by the Chief Justice of the Minnesota Supreme Court to meet and confer with all counsel interested in the outcome of this motion for the purpose of obtaining additional information to guide the Court in fully deciding this matter. Mr. Slowes requested a meeting with all counsel in order to discuss two issues raised by the Motion. This meeting will be with Mr. Slowes and will not include the Chief Justice.

The first issue upon which the Chief Justice desires clarification is the amount of judicial resources which can be expected from the litigation of these cases. The number of cases expected to be brought, how much discovery will be involved, and how long the entire process will take were the specific questions mentioned by Mr. Slowes. He indicated that such considerations are important in determining which judicial district(s) has(have) the capacity(ies) to handle the Minnesota Vitamin Antitrust Litigation.

The second issue involves discussing a mechanism by which a judge may be selected to preside over these actions. The Court is interested specifically in avoiding potential problems associated with the necessity of multiple notices of removal. Mr. Slowes suggested an arbitration-type format, where the parties select a short list of judges that would be agreeable, and the Court then attempts to find commonality amongst the selections. Mr. Slowes stated that if the parties were unable to agree upon a workable mechanism, the Court would create or utilize one of its own.

Mr. Slowes indicated that he would be available to meet with counsel on either Wednesday, December 8, or Thursday, December 9, 1999, after 2:00 p.m. on both days. He also has availability during the week of December 13, 1999. Mr. Slowes would like to meet with counsel in person at the Minnesota Judicial Center in St. Paul, but phone conferencing is available. Please let me know what date(s) work for you, and whether you can attend in person or require phone conferencing. I will then relay everyone's availability to Mr. Slowes and attempt to work out a date and time to meet that works for everyone. I can be reached at (612) 607-7569, by fax at (612) 607-7100 or 7376, or by e-mail at AHansen@owdlaw.com.

Very truly yours,



Andrew S. Hansen

ASH:prl

cc: William L. Sippel
James C. Zacharski
Richard B. Benenson (via facsimile)
Trisha Lawson (via facsimile)
Richard Slowes (via facsimile)

FROM

(WED) 12. 1 '99 11:34/ST. 11:33/NO. 4860220955 P 1

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FAX COVER LETTER

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December 1, 1999

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FROM: Andrew S. Hansen
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RE: Vitamin Antitrust Litigation

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APPELLATE COURTS

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COMMENTS: **Please find the following accompanying this transmittal:**

12/01/99 letter from A. Hansen

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