

UNITED STATES OF AMERICA  
BEFORE THE FOOD AND DRUG ADMINISTRATION  
DEPARTMENT OF HEALTH AND HUMAN SERVICES

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In the Matter of : )  
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Enrofloxacin for Poultry: Withdrawal )  
Of Approval of Bayer Corporation's )  
New Animal Drug Application )  
NADA 140-828 (Baytril) )  
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FDA DOCKET: 00N-1571

**ORDER**

By Motion filed December 18, 2002, The Center for Veterinary Medicine requests clarification of the scheduling orders for this proceeding, and of the status of Dr. Harris as a witness for Respondent Bayer Corporation. Consideration of the requested clarifications reveals certain matters requiring attention. Hopefully, this Order will resolve some, if not all of the issues raised by the Motion.

Respondent's response to the Order of December 3 was deemed sufficient. The addition of Dr. Harris as a witness in this proceeding is therefore, approved.

A due date for requesting an opportunity for the presentation of rebuttal testimony will be included in the order ruling on the Motions to Strike. The nature and timing of any rebuttal will be determined when it is authorized.

It is **Further ORDERED** that the scheduling Order of April 10, 2002 is further modified so as to require that requests for cross-examination of opposing witnesses are to be submitted on or before April 14, 2003 and **not** with the motions to strike and the replies thereto (as previously provided by

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the Order of April 10, 2002), and that all requests for cross-examination include a realistic estimate of the time required for each witness.

DATED this 19<sup>th</sup> Day of December, 2002

S/S Daniel J. Davidson  
Daniel J. Davidson  
Administrative Law Judge