

DECLARATION OF THOMAS ROGERS

I, Thomas Rogers, hereby state:

1. I am Executive Vice President, Regulatory Affairs, for King Pharmaceuticals, Inc. ("King").
2. I am submitting this Declaration in support of King's Comment to the Petition for Stay of Action, FDA Docket No. 02P1035 (the "Petition") filed by Jerome Stevens Pharmaceuticals, Inc. ("Jerome").
3. On July 28, 2000, Jones Pharma Incorporated ("Jones") filed a New Drug Application ("NDA") for Levoxyl® with the Food and Drug Administration ("FDA"). King subsequently acquired Jones, and references to King herein also include Jones.
4. On December 14, 2000, King submitted an amendment to the Levoxyl® NDA providing additional testing and validation data, DMF reference letters, and corrections identified in the cover letter from Nancy Cafmeyer to Dr. John Jenkins, Exhibit A hereto.
5. On January 29, 2001, King submitted an amendment to the Levoxyl® NDA providing additional dissolution data identified in the cover letter from Nancy Cafmeyer to Dr. John Jenkins, Exhibit B hereto.

6. On February 27, 2001, King submitted an amendment to the Levoxyl® NDA providing additional stability data identified in the cover letter from Nancy Cafmeyer to Dr. John Jenkins, Exhibit C hereto.

7. On March 8, 2001, King submitted an amendment to the Levoxyl® NDA clarifying that retention samples for the studies conducted in support of the NDA were properly stored by subsidiary JMI-Daniels Pharmaceuticals, Inc., as stated in the cover letter from Nancy Cafmeyer to Dr. John Jenkins, Exhibit D hereto.

8. On March 14, 2001, King submitted an amendment to the Levoxyl® NDA providing additional dissolution data identified in the cover letter from Nancy Cafmeyer to Dr. John Jenkins (portions redacted), Exhibit E hereto.

9. On March 19, 2001, King submitted an amendment to the Levoxyl® NDA, certifying, in light of the FDA's approval of the Unithroid NDA, that the Levoxyl® NDA did not infringe on any known patents, as stated in the cover letter from Nancy Cafmeyer to Dr. John Jenkins, Exhibit F hereto.

10. On April 5, 2001, King submitted an amendment to the Levoxyl® NDA providing additional dissolution data identified in the cover letter from Nancy Cafmeyer to Dr. John Jenkins (portion redacted), Exhibit G hereto.

11. On April 6, 2001, King submitted an amendment to the Levoxyl® NDA providing additional stability data identified in the cover letter from Nancy Cafmeyer to Dr. John Jenkins (portions redacted), Exhibit H hereto.

12. On May 2, 2001, King submitted an amendment to the Levoxyl® NDA providing additional stability data identified in the cover letter from Nancy Cafmeyer to Dr. John Jenkins (portion redacted), Exhibit I hereto.

13. On May 11, 2001, King submitted an amendment to the Levoxyl® NDA requesting a categorical exclusion for an environmental impact assessment, as stated in the cover letter from Nancy Cafmeyer to Dr. John Jenkins, Exhibit J hereto.

14. On May 14, 2001, King submitted an amendment to the Levoxyl® NDA providing a debarment statement as set forth in the cover letter from Nancy Cafmeyer to Dr. John Jenkins, Exhibit K hereto.

15. On May 15, 2001, King submitted an amendment to the Levoxyl® NDA providing labeling information identified in the cover letter from Nancy Cafmeyer to Dr. John Jenkins, Exhibit L hereto.

16. A copy of the FDA's letter approving the Levoxyl® NDA is Exhibit M hereto.

17. None of the amendments to the Levoxyl® NDA described above altered the formula or manufacturing process for Levoxyl® set forth in the initial NDA filed on July 28, 2000.

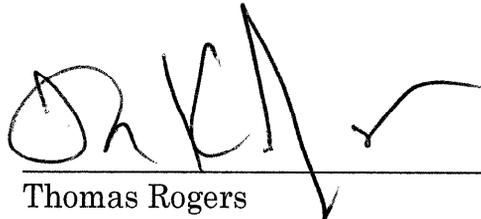
18. In response to FDA observations arising from its inspection of multiple clinical trials and bioanalytical projects conducted by MDS Pharma Services, Inc. ("MDS") in support of the Levoxyl® NDA, Herbert W. Smith from MDS sent a letter

to the FDA on March 26, 2001 (Exhibit N hereto), addressing the FDA observations regarding software problems.

19. Starch and acacia are not among the inactive ingredients in Levoxyl®.

20. IMS Health reports that, in the period from May 4, 2001 through May 3, 2002, 20,309,644 prescriptions for Levoxyl® were written in the United States (approximately 28.1% of the orally-administered levothyroxine sodium market). In the same time period, 784,251 prescriptions for Unithroid were written (approximately 1.1% of the orally-administered levothyroxine sodium market).

I declare under penalties of perjury that the foregoing is true and correct.



Thomas Rogers

Dated: May 22, 2002