

**THIS IS AN IMPORTANT LEGAL NOTICE**

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

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IN RE: SCHERING-PLOUGH CORPORATION  
SECURITIES LITIGATION

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MASTER FILE NO. 01-CV-0829 (KSH/MF)

**NOTICE OF PENDENCY OF CLASS ACTION**

**TO: ALL PERSONS WHO PURCHASED THE SECURITIES OF SCHERING-PLOUGH CORPORATION FROM MAY 9, 2000 THROUGH AND INCLUDING FEBRUARY 15, 2001, AND WHO WERE INJURED THEREBY.**

**PLEASE READ THIS NOTICE CAREFULLY AND IN ITS ENTIRETY.  
YOUR RIGHTS MAY BE AFFECTED BY THIS LITIGATION.**

**PURPOSE OF THIS NOTICE**

This Notice is being sent to advise Class members of the pendency of the above-captioned class action lawsuit (the "Action") pursuant to Rule 23 of the Federal Rules of Civil Procedure and of their rights with respect thereto. If you are a Class member, your rights may be affected by the lawsuit referred to as *In Re: Schering-Plough Corporation Securities Litigation*, Case No. 01-CV-0829, which is now pending before the United States District Court for the District of New Jersey (the "Court"). This Action is being prosecuted by the Court-appointed Lead Plaintiff, the Florida State Board of Administration ("FSBA"), on behalf of itself and others similarly situated, and is pending against Schering-Plough Corporation ("Schering-Plough"), Richard Kogan, Raul Cesan, Jack Wyszomierski and Thomas Kelly (collectively, the "Defendants").

**NO JUDGMENT OR SETTLEMENT HAS OCCURRED IN THE ACTION AND YOU ARE NOT CURRENTLY ENTITLED TO RECEIVE A PAYMENT FROM THIS ACTION. THIS NOTICE IS NOT TO BE UNDERSTOOD AS AN EXPRESSION OF ANY OPINION FROM THE COURT AS TO THE MERITS OF ANY OF THE CLAIMS OR DEFENSES ASSERTED BY PLAINTIFFS OR DEFENDANTS. THIS NOTICE MERELY INFORMS YOU THAT THE ACTION IS PROCEEDING AND THAT YOU MAY BE A MEMBER OF THE CLASS, AND THAT YOU HAVE CERTAIN RIGHTS WITH RESPECT TO THE ACTION, AS MORE FULLY DESCRIBED IN THIS NOTICE.**

By Order dated October 10, 2003, the Court determined that this lawsuit may proceed as a class action pursuant to Rule 23 of the Federal Rules of Civil Procedure. This Notice is not an expression of any opinion by the Court with respect to the merits of the claims or the defenses asserted in the Action. You received this Notice because you were identified as a potential member of the Class. This Notice only advises you of the existence of the Action and of your rights if you are a member of the Class. If you received this Notice in error and you are not a member of the Class, you do not need to take any action and your rights will not be affected.

**THE CLASS**

On October 10, 2003, the Court certified the litigation to proceed as a class action and appointed FSBA, together with plaintiffs Laborers' District Council Construction Industry Pension Fund and Marc Ratzersdorfer, as class representatives. The Class is defined as:

All persons who purchased the securities of Schering-Plough from May 9, 2000 through and including February 15, 2001 (the "Class Period"), and who were injured thereby.

Excluded from the Class are Defendants, members of the immediate family of the individual defendants, any subsidiary, affiliate or control person of such person or entity, officers and directors of Schering-Plough, and the legal representatives, heirs, successors, or assigns of each such excluded party.

The ruling by the Court certifying the Class does not in any way address the merits of the litigation. Rather, the certification of the Class means only that the ultimate outcome of the Action—whether favorable or unfavorable to the Plaintiffs or Defendants—will apply in like manner to each Class member who does not timely elect to be excluded from the Class.

## DESCRIPTION OF THE CLASS ACTION

### ***Status of the Litigation***

This litigation was commenced in 2001 as a series of separate securities fraud cases brought by Schering-Plough investors against Schering-Plough and certain officers and directors of the corporation. In July 2001, FSBA was appointed by the Court as Lead Plaintiff and cases brought by various individuals were consolidated into the current class action. On October 11, 2001, plaintiffs filed a Consolidated Amended Class Action Complaint (“Complaint”).

Plaintiffs, on behalf of the Class, allege that the Defendants knowingly or recklessly made false and misleading statements that failed to disclose serious and widespread deficiencies in Schering-Plough’s manufacturing and quality operations and that such deficiencies gave rise to a serious risk that the United States Food and Drug Administration would delay approval of the company’s New Drug Application for an allergy drug known as Clarinex®. Plaintiffs allege that as a result of these false and misleading statements, Defendants violated Sections 10(b), 20(a) and 20A of the Securities Exchange Act of 1934, and Rule 10b-5 promulgated thereunder by the Securities and Exchange Commission.

On December 14, 2001, Defendants moved to dismiss the Complaint. The Court denied the motion on May 24, 2002. On July 22, 2002, Defendants filed an Answer to the Complaint. Defendants deny any wrongdoing and specifically have denied the claims made by plaintiffs in this Action. Defendants maintain that Schering-Plough’s manufacturing and quality issues were well-known by the investing public and were duly and accurately disclosed to investors in Schering-Plough’s filings with the Securities and Exchange Commission. Defendants further maintain that Schering-Plough’s public statements during the Class Period did not predict or promise that Clarinex® would be approved, and that, in any event, Defendants did not foresee any “serious risk” to Clarinex® approval.

The parties concluded fact discovery on February 13, 2007. Pursuant to an Order of the Court dated March 1, 2007, expert discovery is ongoing and is expected to be completed by September 18, 2007. Any motions for summary judgment are required to be filed by November 1, 2007. A trial date for the Action has not been scheduled.

### ***Identification of Plaintiffs’ Lead Counsel***

The Court has appointed the following law firm to serve Lead Counsel on behalf of Lead Plaintiff and the Class in this litigation:

#### **LEAD COUNSEL**

**BARRACK, RODOS & BACINE**  
Robert A. Hoffman  
3300 Two Commerce Square  
2001 Market Street  
Philadelphia, PA 19103

## HOW TO PARTICIPATE IN THIS CLASS ACTION

If you fall within the definition of the Class set forth above, you are a member of the Class. **IF YOU WISH TO REMAIN A MEMBER OF THE CLASS, YOU DO NOT NEED TO DO ANYTHING AT THIS TIME.** As a Class member, you will be bound by any judgment or settlement, whether favorable or unfavorable, in this Action. Thus, you may participate in any monetary settlement or judgment rendered in favor of the Class, and you will receive notice of such a settlement or judgment and may submit a Proof of Claim at that time. **No judgment or settlement has occurred at this time.** You will also be bound by any unfavorable judgment which may be rendered in favor of Defendants. You may not have the right to seek exclusion from the Class at the time of settlement or judgment.

Lead Counsel and the class representatives appointed by the Court will represent the Class on behalf of all Class members. Lead Counsel has agreed to pursue this Class Action on a contingent fee basis. All attorneys’ fees and expenses will be payable only out of a recovery by the Class, if any. Class members will not have to separately pay lawyers any additional amounts and in no event will individual Class members be obligated to pay any judgment, court costs, or lawyers’ fees for participating in this Class Action.

Any Class member who does not request exclusion from the Class may also enter an appearance through their own counsel at their own expense.

**HOW TO BE EXCLUDED FROM THE CLASS**

If you wish to be excluded from the Class, you must submit a request for exclusion in accordance with the instructions in the next paragraph. If you choose to be excluded: (1) you will NOT be entitled to share in a recovery from any settlement or judgment, if any, that may be paid to members of the Class as a result of a trial or other settlement of this lawsuit; (2) you will NOT be bound by any judgment or release entered in this lawsuit; and (3) at your own expense, you MAY pursue any claims that you have by filing your own lawsuit or taking other action.

To be excluded, a person shall mail, by first class mail, a written request for exclusion from the Class, post-marked no later than October 15, 2007, addressed to “Schering-Plough Corporation Securities Litigation Exclusions, c/o Heffler, Radetich & Saitta L.L.P., P. O. Box 550, Philadelphia, PA 19105-0550.” After that date, you may not be able to request exclusion from the Class. In order to be valid, any request for exclusion must set forth the name and address of the person or entity requesting exclusion, and must contain the following statement that such person or entity “requests exclusion from the Class in the *In re Schering-Plough Corporation Securities Litigation*, 01-CV-0829 (KSH/MF)” and must be signed by such person or entity. **Only request exclusion if you do NOT wish to participate in the class action and do NOT wish to share in any potential recovery that the Class may obtain.**

**EXAMINATION OF PAPERS AND INQUIRIES**

This Notice contains only a summary of the litigation and your rights as a potential Class member. For more detailed information regarding the matters involved in this litigation, please refer to the papers on file in this Action, which may be inspected at the Office of the Clerk of Court, United States District Court, District of New Jersey, Martin Luther King, Jr. Federal Building and U.S. Courthouse, 50 Walnut Street, Newark, NJ 07101-0419, during business hours of each business day. In addition, inquiries regarding this litigation may be addressed to Lead Counsel as identified above.

**NOTICE TO BROKERS AND CUSTODIANS**

If you hold or held securities covered by this Action on behalf of a beneficial owner or in “street name,” you are directed by the Court to provide this notice to the beneficial owner. You may obtain additional copies of this Notice by contacting the Notice Administrator at Schering-Plough Corporation Securities Litigation, c/o Heffler, Radetich & Saitta L.L.P., P. O. Box 550, Philadelphia, PA 19105-0550. As an alternative, you may provide the Notice Administrator with mailing lists of beneficial owners. Please contact the Notice Administrator immediately upon receipt of this Notice.

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If this Notice was mailed to you at an old address, or if you move, please advise the Notice Administrator c/o Heffler, Radetich & Saitta L.L.P. of your current address so that you can receive any future notice and/or Proof of Claim forms.

**PLEASE DO NOT CALL THE COURT OR THE COURT CLERK’S OFFICE REGARDING THIS NOTICE.**

Dated: July 13, 2007

BY ORDER OF THE UNITED STATES  
DISTRICT COURT FOR THE DISTRICT  
OF NEW JERSEY

Schering-Plough Corporation Securities Litigation  
c/o Heffler, Radetich & Saitta L.L.P.  
P. O. Box 550  
Philadelphia, PA 19105-0550

**PLEASE FORWARD**

**FIRST CLASS MAIL**

**PLEASE FORWARD—IMPORTANT LEGAL NOTICE**