

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**STATE OF ALABAMA,**

**Plaintiff,**

**v.**

**ABBOTT LABORATORIES, INC,  
et al.,**

**Defendants.**

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**Civil Action No.: 2:05-cv-00647-VPM**

**MOTION TO STAY  
DEFENDANTS' MOTIONS TO DISMISS,  
OR ALTERNATIVELY, FOR MORE DEFINITE STATEMENT**

Reserving its objection to the subject matter jurisdiction of this Court, Plaintiff hereby moves this Court to stay the time for filing a response to Defendants' Motions to Dismiss, or Alternatively, Motions for More Definite Statement and any ruling on said Motions. Plaintiff has filed a Motion to Remand and Supporting Brief to have this case summarily remanded back the Circuit Court for Montgomery County, Alabama, where it was originally and properly filed. Plaintiff's Motion to Remand is due to be summarily granted by this Court in that the law strictly mandates that this case was improperly removed by Defendants as being both untimely and failing to assert any federal question.

It would be grossly unfair to Plaintiff to be forced to respond to Motions to Dismiss when this Court has not determined that it even has subject matter

jurisdiction. The Plaintiff is confident that once the Court has an opportunity to review the pleadings in this case, specifically the Plaintiff's Motion to Remand and Supporting Brief, this Court will summarily remand this case to the Circuit Court of Montgomery County, Alabama, from which it was improperly removed.

On the face of the pleadings in this case, there was not, and currently is not any ground for removal. Furthermore, the Defendants' Motions are grossly untimely, and state no legal issue upon which removal would be proper. Therefore, Plaintiff requests that this Court place a stay on any and all motions filed by Defendants until such time as this Court has determined the issue of subject matter jurisdiction.

Plaintiff moves this Court to stay Defendants' Motions to Dismiss or Alternatively, Motions for More Definite Statement, until such time as the Court has had an opportunity to rule on subject matter jurisdiction, namely the Plaintiff's Motion to Remand.

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**CERTIFICATE OF SERVICE**

I hereby certify that on July 21, 2005, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: **James Harold Anderson; Joseph P. H. Babington; Lisa Wright Borden; Robert C. (Mike) Brock; Chad W. Bryan; Philip Henry Butler; Steven F. Casey; Thomas William Christian; Lawrence B. Clark; William D. Coleman; Betsy P. Collins; Julia Boaz Cooper; Lee Hall Copeland; Kelly Jeanne Davidson; William Asher Davis; Robert D. Eckinger; Joseph C. Espy, III; Patrick Conor Finnegan; Alvin Latham (Peck) Fox, Jr.; Robert Bruce Funkhouser; Charles Nelson Gill; Richard Hamilton Gill; William Huger Hardie, Jr.; Fred M. (Tripp) Haston, III; John Alec Henig, Jr.; Frederick Geroge Herold; Kimberly Kaye Heuer; S. Craig Holden; Robert A. Huffaker; Francis Inge Johnstone; Donald R. Jones, Jr.; Anthony Aaron Joseph; Joseph William Letzer; Robert S. Litt; Gary M. London; David Wayne Long-Daniels; Julian Rushton McClees; Walter Joseph McCorkle, Jr.; James H. McLemore; Derrick A. Mills; F. Chadwick Morriss; Robert F. Northcutt; Tabor Robert Novak, Jr.; George Robert Parker; Laura Howard Peck; Anthony C. Porcelli; Harlan Irby Prater, IV; Archibald Theodore Reeves, IV; Robert Philip Reznick; Sandra Grisham Robinson; Bruce F. Rogers; Stephen Jackson Rowe; Andrew D. Schau; Alexandra T. Schimmer; John D. Shakowki; Richard Lee Sharff, Jr.; Edward Sledge Sledge, III; William Stancil Starnes; Robert R. Stauffer; Gilbert Calvin Steindorff, IV; Sharon Donaldson Stuart; Kevin R. Sullivan; C. Clay Torbert, III; John Michael Townsend; George Walton Walker, III; James N. Walter, Jr.; Jason Robert Watkins; and Jarrod J. White, and I hereby certify that I have mailed by United States Postal Service the document to the following non CM/ECF participants: **Justin S. Antonipillai; Steven F. Barley; J. Steven Baughman; Sam Blair; David J. Burman; Tiffany Cheung; Eric P. Christofferson; Toni-Ann Citera; Courtney A. Clark; Barak Cohen; Jonathan D. Cohen; Richard M. Cooper; Paul T. Coval; Wayne Cross; James****

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s/ Jere L. Beasley  
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