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**IN THE SUPERIOR COURT FOR THE STATE OF ALASKA  
THIRD JUDICIAL DISTRICT AT ANCHORAGE**

STATE OF ALASKA, )  
)  
Plaintiff, )  
vs. )  
)  
ALPHARMA BRANDED PRODUCTS )  
DIVISION INC., et al. )  
)  
Defendants. )

Case No.: 3AN-06-12026 CI

**ALASKA'S OPPOSITION TO  
ASTRAZENECA'S MOTION TO DISMISS**

AstraZeneca's individual motion to dismiss is directed at one drug, Zoladex, which was subject to an earlier settlement with the State of Alaska. The State agrees that its earlier settlement with Zeneca precludes it from recovering in connection with Zoladex. (Alaska would have been willing to stipulate, but was not asked to.) But this settlement does not release Alaska's claims as to any other drug. Nor does it preclude Alaska from using materials relating to Zoladex to show the jury that AstraZeneca knew exactly what it was doing when it was reporting false and inflated wholesale prices to the pricing services upon which Alaska relied. This is a consequence of the general rule that evidence dealing with claims that are barred (for example, on limitations grounds) may be relevant to prove claims that are not barred. *Bazemore v. Froday*, 478 U.S. 385, 396 n. 6 (1986).

Attached hereto is a proposed order granting AstraZeneca's Motion, but properly limiting the dismissal.

DATED: \_\_\_\_\_

By:           /s/ James E. Fosler            
James E. Fosler  
Alaska Bar No.: 9711055

**CERTIFICATE OF SERVICE**

Pursuant to Case Management Order No. 1, entered by the Court in this case on December 14, 2006, the undersigned certifies that a copy of the foregoing document was served through the LexisNexis File and Serve ("LNFS") system on February 9, 2007.

          /s/ James E. Fosler            
James E. Fosler

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