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STATE OF WISCONSIN,	)	
	)	
Plaintiff,	)	Case No.: 04 CV 1709
	)	
v.	)	
	)	
AMGEN INC., et. al.,	)	
	)	
Defendants.	)	

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**CASE MANAGEMENT ORDER NO. 2**

The Court being sufficiently advised that the entry of a Case Management Order is necessary for the just and expeditious and efficient resolution of the above-captioned litigation, **IT IS HEREBY ORDERED:**

1. Appointment of Liaison Counsel. In order to facilitate the orderly management of this case, the defendants shall select counsel to be designated as liaison counsel with the responsibility, to the extent feasible, of facilitating communications among the Court, the State, and the defendants concerning matters of general or common interest to the defendants. Liaison counsel shall have no ability to bind or waive rights of any defendant other than their own client.

2. Communications with Experts. No party shall be required to produce communications it has with experts or potential experts related to this litigation, except for those documents or data relied upon by the experts in reaching their opinion.

3. Preservation of the Common Interest Privilege. The Court recognizes that cooperation among counsel is essential for the orderly and expeditious resolution of this litigation. Communication of privileged information by the client or a representative of the client or the client's lawyer or a representative of the lawyer representing another party in

a pending action and concerning a matter of common interest therein, or among lawyers and their representatives representing the same client, shall not be deemed a waiver of attorney work product or attorney-client privileges.

4. Privilege Log and Redactions. Privilege logs shall be provided 60 days after a production and shall be provided on a rolling basis as documents are produced. The privilege logs shall provide reasons for each document withheld from production, as well as for each redaction from a document produced. There shall be no redaction of documents by any party on any basis other than a bona fide claim of recognized lawful privilege or trade secret or confidential business protection. No stamps of "confidential" or the like shall obscure the text of the document, except with respect to historical documents for which the producing party is unable after a good faith effort to locate a copy of the document without such a stamp. An attorney of record shall review designations of confidentiality.

5. Exclusions from Required Privilege Log. No party shall be required to list in any privilege log any privileged communications between the client and counsel or among counsel in an AWP-related litigation or investigation, regarding such litigation or investigation, because of the clear applicability of the attorney-client, attorney work product and common interest privileges to most such documents. The relief from the obligation to list such privileged communications does not relieve a party from producing any responsive communication of which it is aware that it determines, in good faith, is not in fact privileged.

6. Third Party Documents. Documents obtained from third parties in connection with this litigation, through subpoena, civil investigative demand or other statutory compulsion, shall be produced to the other parties within two weeks after receipt.

7. Rule 804.05(2)(e) Deposition. Parties must provide the other parties with the name of the Rule 804.05(2)(e) designee at least five business days prior to the deposition.

8. Third Party Depositions. A deposition of a third-party witness shall be initiated through service of a notice of deposition under Wis. Stat. 804.05. A copy of the notice of deposition shall be provided to opposing counsel contemporaneously. The notice of deposition shall provide at least a 10 day deposition notice. The requesting party shall confer with the third party witness and liaison counsel for the opposing side regarding a mutually convenient time and place and the estimated length of the deposition. When the deposition is scheduled, the party serving the subpoena shall post the notice of deposition on LexisNexis File & Serve.

9. Cross Noticed Depositions. A party in this case seeking to cross-notice a deposition in another Average Wholesale Price (AWP) case (e.g., state or federal AWP litigation) shall inform opposing counsel in writing as soon as practicable, preferably not later than two weeks from the date of the scheduled deposition. When the deposition is cross-noticed, the party cross-noticing the deposition shall serve a notice of deposition and post the notice on LexisNexis File & Serve.

Date: 8/23/07   
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Judge Niess, Dane County Circuit Court