

UNITED STATES OF AMERICA JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

CLERK:
Judge Wm. Terrell Hodges
United States District Court
Middle District of Florida

MEMBERS:
Judge John F. Keenan
United States District Court
Southern District of New York

Judge D. Lowell Jensen
United States District Court
Northern District of California

Judge J. Frederick Motz
United States District Court
District of Maryland

Judge Robert L. Miller, Jr.
United States District Court
Northern District of Indiana

Judge Kathryn H. Vratil
United States District Court
District of Kansas

Judge David R. Hansen
United States Court of Appeals
Eighth Circuit

DIRECT REPLY TO:

Michael J. Beck
Clerk of the Panel
One Columbus Circle, NE
Thurgood Marshall Federal
Judiciary Building
Room G-255, North Lobby
Washington, D.C. 20002

Telephone: [202] 502-2800
Fax: [202] 502-2888

<http://www.jpml.uscourts.gov>

August 3, 2004

TO INVOLVED COUNSEL

Re: MDL-1456 -- In re Pharmaceutical Industry Average Wholesale Price Litigation

State of Wisconsin v. Abbott Laboratories, et al., W.D. Wisconsin, C.A. No. 3:04-477

Dear Counsel:

Attached hereto is a copy of a conditional transfer order filed today by the Judicial Panel on Multidistrict Litigation involving the above-captioned action. This action is transferred pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001). Copies of Rule 5.2, dealing with service, and Rules 7.4 and 7.5, regarding "tag-along" actions, are attached for your convenience.

Inasmuch as there is an unavoidable time lag between notification of the pendency of the tag-along action and the filing of a conditional transfer order, counsel are required by Rule 7.4(b) to notify this office **BY FACSIMILE**, at (202) 502-2888, of any official changes in the status of the tag-along action. These changes could involve dismissal of the action, remand to state court, transfer to another federal court, etc., as indicated by an order filed by the district court. Your cooperation would be appreciated.

NOTICE OF OPPOSITION DUE ON OR BEFORE: August 18, 2004 (4 p.m. EST)

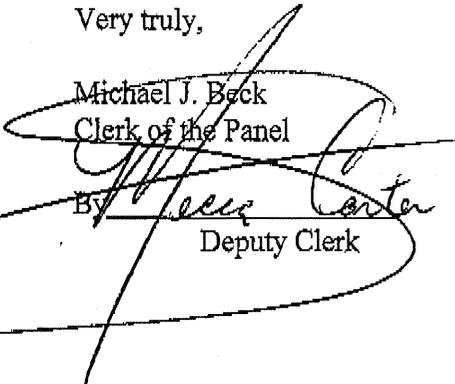
(Facsimile transmission is suggested.)

If you are considering opposing this conditional transfer order, please review Rules 7.4 and 7.5 of the Panel Rules before filing your Notice of Opposition.

A list of involved counsel is attached.

Very truly,

Michael J. Beck
Clerk of the Panel

By 
Deputy Clerk

Attachments

JPML Form 39

JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

AUG - 3 2004

FILED
CLERK'S OFFICE**DOCKET NO. 1456****BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION****IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE
LITIGATION***State of Wisconsin v. Abbott Laboratories, et al.*, W.D. Wisconsin, C.A. No. 3:04-477**CONDITIONAL TRANSFER ORDER (CTO-17)**

On April 30, 2002, the Panel transferred 16 civil actions to the United States District Court for the District of Massachusetts for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. Since that time, 32 additional actions have been transferred to the District of Massachusetts. With the consent of that court, all such actions have been assigned to the Honorable Patti B. Saris.

It appears that the action on this conditional transfer order involves questions of fact which are common to the actions previously transferred to the District of Massachusetts and assigned to Judge Saris.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), this action is transferred under 28 U.S.C. § 1407 to the District of Massachusetts for the reasons stated in the order of April 30, 2002, 201 F.Supp.2d 1378 (J.P.M.L. 2002), and, with the consent of that court, assigned to the Honorable Patti B. Saris.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the District of Massachusetts. The transmittal of this order to said Clerk shall be stayed fifteen (15) days from the entry thereof and if any party files a notice of opposition with the Clerk of the Panel within this fifteen (15) day period, the stay will be continued until further order of the Panel.

FOR THE PANEL:



Michael J. Beck
Clerk of the Panel

RULE 5.2: SERVICE OF PAPERS FILED

(a) All papers filed with the Clerk of the Panel shall be accompanied by proof of previous or simultaneous service on all other parties in all actions involved in the litigation. Service and proof of service shall be made as provided in Rules 5 and 6 of the Federal Rules of Civil Procedure. The proof of service shall indicate the name and complete address of each person served and shall indicate the party represented by each. If a party is not represented by counsel, the proof of service shall indicate the name of the party and the party's last known address. The proof of service shall indicate why any person named as a party in a constituent complaint was not served with the Section 1407 pleading. The original proof of service shall be filed with the Clerk of the Panel and copies thereof shall be sent to each person included within the proof of service. After the "Panel Service List" described in subsection (d) of this Rule has been received from the Clerk of the Panel, the "Panel Service List" shall be utilized for service of responses to motions and all other filings. In such instances, the "Panel Service List" shall be attached to the proof of service and shall be supplemented in the proof of service in the event of the presence of additional parties or subsequent corrections relating to any party, counsel or address already on the "Panel Service List."

(b) The proof of service pertaining to motions for transfer of actions pursuant to 28 U.S.C. §1407 shall certify that copies of the motions have been mailed or otherwise delivered for filing to the clerk of each district court in which an action is pending that will be affected by the motion. The proof of service pertaining to a motion for remand pursuant to 28 U.S.C. §1407 shall certify that a copy of the motion has been mailed or otherwise delivered for filing to the clerk of the Section 1407 transferee district court in which any action affected by the motion is pending.

(c) Within eleven days of filing of a motion to transfer, an order to show cause or a conditional transfer order, each party or designated attorney shall notify the Clerk of the Panel, in writing, of the name and address of the attorney designated to receive service of all pleadings, notices, orders and other papers relating to practice before the Judicial Panel on Multidistrict Litigation. Only one attorney shall be designated for each party. Any party not represented by counsel shall be served by mailing such pleadings to the party's last known address. Requests for an extension of time to file the designation of attorney shall not be granted except in extraordinary circumstances.

(d) In order to facilitate compliance with subsection (a) of this Rule, the Clerk of the Panel shall prepare and serve on all counsel and parties not represented by counsel, a "Panel Service List" containing the names and addresses of the designated attorneys and the party or parties they represent in the actions under consideration by the Panel and the names and addresses of the parties not represented by counsel in the actions under consideration by the Panel. After the "Panel Service List" has been received from the Clerk of the Panel, notice of subsequent corrections relating to any party, counsel or address on the "Panel Service List" shall be served on all other parties in all actions involved in the litigation.

(e) If following transfer of any group of multidistrict litigation, the transferee district court appoints liaison counsel, this Rule shall be satisfied by serving each party in each affected action and all liaison counsel. Liaison counsel designated by the transferee district court shall receive copies of all Panel orders concerning their particular litigation and shall be responsible for distribution to the parties for whom he or she serves as liaison counsel.

INVOLVED COUNSEL LIST (CTO-17)
DOCKET NO. 1456
IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE
LITIGATION

Waltraud A. Arts
Quarles & Brady
P.O. Box 2113
Madison, WI 53701-2113

Steven F. Barley
Hogan & Hartson, LLP
111 South Clavert Street
Baltimore, MD 21202

Charles Barnhill, Jr.
Miner, Barnhill & Galland, P.C.
44 East Mifflin Street
Suite 803
Madison, WI 53703

Brian E. Butler
Stafford, Rosenbaum, Rieser & Hansen
P.O. Box 1784
Three South Pinckney Street
Suite 1000
Madison, WI 53701-1784

William M. Conley
Foley & Lardner
P.O. Box 1497
Madison, WI 53701-1497

R. Christopher Cook
Jones Day
51 Louisiana Avenue, N.W.
Washington, DC 20001

James R. Daly
Jones, Day, Reavis & Pogue
77 West Wacker Drive
Suite 3500
Chicago, IL 60601-1692

Merle M. Delancey
Dickstein, Shapiro, Morin & Oshinsky, LLP
2101 "L" Street, N.W.
Washington, DC 20037

John C. Dodds
Morgan, Lewis & Bockius, LLP
1701 Market Street
Philadelphia, PA 19103

Steven M. Edwards
Hogan & Hartson, LLP
875 Third Avenue, Suite 2600
New York, NY 10022

Douglas B. Farquhar
Hyman, Phelps & McNamara
700 Thirteenth Street, N.W.
1200
Washington, DC 20005

Timothy W. Feeley
Von, Briesen, Purtell & Roper, S.C.,
411 East Wisconsin Avenue
Suite 700
Milwaukee, WI 53202

Daniel W. Hildebrand
DeWitt, Ross & Stevens
Two East Mifflin Street
Suite 600
Madison, WI 53703

Roberta F. Howell
Foley & Lardner, LLP
Verex Plaza
150 E. Gilman St.
P.O. Box 1497
Madison, WI 53701-1497

Stephen P. Hurley
Hurley, Burish & Milliken
301 North Brown Street
Madison, WI 53703

Allen S. Kinzer
Vorys, Sater, Seymour & Pease
52 East Gay Street
P.O. Box 1008
Columbus, OH 43216-1008

Michael L. Koon
Shook, Hardy & Bacon
2555 Grand Blvd.
Kansas City, MO 64108-2613

Kathleen H. McGuan
Reed Smith, LLP
1301 K Street, N.W.
Suite 1100, East Tower
Washington, DC 20005

John M. Moore
Bell, Gierhart & Moore, S.C.
44 East Mifflin Street
P.O. Box 1807
Madison, WI 53701-1807

INVOLVED COUNSEL LIST (CTO-17) MDL-1456 (Cont.)

Page 2 of 2

Earl H. Munson
Boardman, Suhr, Curry & Field
One South Pinckney Street
4th Floor
P.O. Box 927
Madison, WI 53701-0927

Bill Nussbaum
Hogan & Hartson, LLP
555 Thirteenth Street, N.W.
Washington, DC 20004

Brien T. O'Connor
Ropes & Gray
One International Place
Boston, MA 02110-2624

Kevin J. O'Connor
LaFollette, Godfrey & Kahn
One East Main Street
Suite 500
Madison, WI 53703

Christopher Palermo
Kelly, Drye & Warren, LLP
101 Park Avenue
New York, NY 10178

Daniel E. Reidy
Jones, Day, Reavis & Pogue
77 West Wacker Drive
Suite 3500
Chicago, IL 60601-1692

Andrew Schau
Patterson, Belknap, Webb & Tyler, LLP
1133 Avenue Of The Americas
New York, NY 10036-6710

Paul Schlieffman
Shook, Hardy & Bacon
600 14th Street, NW
Suite 800
Washington, DC 20005-2004

Allen C. Schlinsog, Jr.
Reinhart, Boerner, Van Deuren, S.C.
1000 North Water Street
Suite 1800
Milwaukee, WI 53202

Bruce A. Schultz
Coyne, Niess, Schultz & Becker
150 East Gilman Street
Suite 1000
Madison, WI 53703

Lynn M. Stathas
Reinhart, Boerner, Van Deuren, S.C.
22 East Mifflin Street, Suite 600
Madison, WI 53703

Ralph A. Weber
Gass, Weber & Mullins, LLC
309 North Water Street
Milwaukee, WI 53202