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September 20, 2004

VIA HAND DELIVERY

Honorable Barbara B. Crabb  
U.S. Courthouse  
120 North Henry St.  
Madison, WI 53701

*mc  
9/22/04*

Re: State of Wisconsin v. Abbott Laboratories, et al.  
U.S. District Court for the Western District of Wisconsin Case No. 04 C 0477 C

Dear Judge Crabb:

We have received the Court's September 13, 2004 letter staying the defendants' deadline for filing responsive pleadings in this matter pending a decision on the plaintiff's remand motion. In our September 10, 2004 letter to the Court, we neglected to raise the issue of the preliminary pretrial conference currently scheduled for October 5, 2004, and the joint preliminary pretrial conference report that is due on or before September 28, 2004.

As the issues involved at the preliminary pretrial conference, including deadlines for discovery, motions, trial, etc., are likely to be addressed either by the MDL court in Massachusetts, or by the Wisconsin circuit court, we write today to request that the preliminary pretrial conference be continued to another date after the Court has resolved the remand motion.

The defendants are mindful that the preliminary pretrial conference remains on the Court's calendar and are prepared to attend and submit the required joint report for the Court's consideration. We write today merely to seek guidance on this issue. We are authorized to state that the plaintiff does not oppose our request for a continuation.

We thank you for your consideration of this issue.

Sincerely,

LA FOLLETTE GODFREY & KAHN

Kevin J. O'Connor  
Todd G. Smith

*Barbara B. Crabb  
Sept. 22, 2004  
Motion for  
continuance  
granted with  
new date to be set  
if necessary after  
remand issue  
decided.*

A copy of this document has been mailed to the following:

All Counsel  
and record  
this 23<sup>rd</sup> day of September, 2004, by S. Vogel,  
Secretary to Judge Crabb