

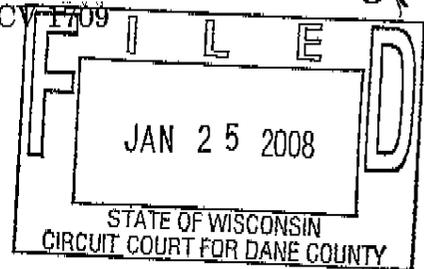
STATE OF WISCONSIN

CIRCUIT COURT
Branch 9

DANE COUNTY

STATE OF WISCONSIN,)
)
 Plaintiff,)
)
 v.)
)
 ABBOTT LABORATORIES, INC., et. al.,)
)
 Defendants.)

Case No.: 04 CV 1709



[PROPOSED] SCHEDULING ORDER

IT IS HEREBY ORDERED as follows:

1. Stipulation Regarding the Identity of the Proper Defendant and Target Drugs. Plaintiff attached as Exhibit E to its Second Amended Complaint a list of drugs for which Plaintiff alleges each Defendant is legally responsible. The list identifies each drug by either NDC or HCPCS code (Target Drug List-- "TDL").

No later than **sixty (60) days** after entry of this Scheduling Order, each Defendant and the Plaintiff shall file a stipulation with the Court identifying those NDC and/or HFPCS codes identified in the TDL for each drug which the Defendant has: 1) reported an AMP to CMS; 2) paid CMS rebates to Wisconsin; and/or 3) marketed at any time during the relevant time period.

For those drugs that a Defendant claims no responsibility for, the Defendant shall provide Plaintiff with the reasons why not and also provide the Plaintiff with the name(s) of the manufacturer(s) it believes does have responsibility.

For those drugs that Defendant claims only partial responsibility for due to either the sale of that drug, cross-marketing agreements or otherwise, the Defendant shall provide Plaintiff with the reasons why it is accepting only partial responsibility, the time

period(s) for which it is accepting responsibility and the name(s) of the manufacturer(s) it believes also has responsibility and why.

2. Time to amend the pleadings. Within 60 days of filing the parties' Stipulation Regarding the Identity of the Proper Defendant and Target Drugs, the parties shall exchange among themselves any proposed amendments to the current pleadings. The parties shall then have two weeks from the date of receipt of any proposed amendments to object in writing to the party proposing the amendment. All stipulated amendments may be served and filed without leave of this Court. Any party wanting to amend over objection must move the Court for leave to amend for cause.

3. Trial. The first trial shall begin on **February 2, 2009** to a jury of twelve (12). Eight (8) weeks shall be set aside for trial. Subsequent trial dates remain to be determined.

4. Identification of Parties for Trial. Plaintiff must move to consolidate the defendants it wishes to try together for the **February 2, 2009** trial no later than **February 2, 2008**. Defendant(s) named in the motion shall file any Opposition(s) within **twenty (20) days** of filing. The Court will conduct a hearing on such motion at a time convenient for the Court.

For all remaining defendants, Plaintiff must move to consolidate the defendants it wishes to try together for each subsequent trial no later than **May 1, 2008**. Defendant(s) named in each motion shall file any Opposition(s) to such motion **twenty (20) days** after it has been filed. The Court will conduct a hearing on such motions at a time convenient for the Court.

5. Dispositive Motions. Dispositive motions for parties scheduled to begin trial on February 2, 2009 shall be filed no later than **October 31, 2008**. Dispositive

motions for all other parties shall be filed no later than **ninety (90) days** prior to that party's scheduled trial. Responses to such motions shall be due **thirty (30) days** after filing, and any replies shall be due **twenty (20) days** thereafter. The Court shall set hearings on such motions at its discretion.

6. Fact Discovery. Fact discovery of Defendant(s) scheduled to begin trial on February 2, 2009, and fact discovery of Plaintiff by those Defendant(s), shall be complete on or before December 2, 2008. Fact discovery of all remaining Defendants, and fact discovery of Plaintiff by those Defendants, shall be complete sixty (60) days prior to their trial date or December 2, 2009, whichever is earlier.

7. Expert Discovery and Testimony. Expert discovery shall proceed as follows:

(a) Plaintiff shall designate its expert witnesses and file expert reports no later than **eight (8) months** prior to each trial.

(b) Plaintiff shall produce all of its expert witnesses for depositions within **forty-five (45) days** of its designations.

(c) Defendants shall designate their expert witnesses and file expert reports no later than **six (6) months** prior to each trial.

(d) Defendants shall produce their expert witnesses for depositions within **forty-five (45) days** of its designations.

(e) Plaintiff shall designate its rebuttal expert witnesses and file rebuttal expert reports no later than **five (5) days** after the deadline for Defendants to produce their expert witnesses for depositions.

(f) Plaintiff shall produce all of its rebuttal expert witnesses for depositions within **thirty (30) days** of the deadline for designation.

8. Witness Lists. Lists of the names, addresses, phone numbers and a short description of the substantive testimony of all persons expected to be called as witnesses at trial shall be exchanged by the parties no later than **ninety (90) days** prior to each trial. The Court shall, with good cause shown, allow the parties to pursue the depositions of any witnesses listed on the witness lists that have not been previously disclosed or deposed.

9. Deposition Testimony. A list of all relevant portions of depositions, which any party intends to read (or show, if the deposition is videotaped) at trial, other than for impeachment purposes, shall be exchanged no later than **forty-five (45) days** prior to each trial. Parties shall file their objections and/or counter-designations, if any, within **twenty (20) days** of receiving the deposition testimony. Subject to a meet and confer between the parties, edited versions of the videotaped depositions may be shown at trial.

10. Trial Briefs and Motions in Limine. Trial Briefs, Motions in Limine, and other pre-trial motions shall be filed with the Court no later than **forty-five (45) days** prior to each trial.

11. Exhibit Lists. A list of all documents which are to be offered in evidence as exhibits at trial, and copies of all such documents, shall be marked and exchanged no later than **twenty (20) days** prior to each trial. If no objection is filed, such documents shall be deemed authentic, and any signatures thereon to be original, and copies may be received into evidence in lieu of the original.

12. Jury Instructions and Special Verdicts. Jury Instructions and Special Verdicts shall be filed with the Court no later than **twenty (20) days** prior to each trial.

13. Final Pretrial Conference. A final pre-trial conference shall be held no later than **fifteen (15) days** prior to each trial.

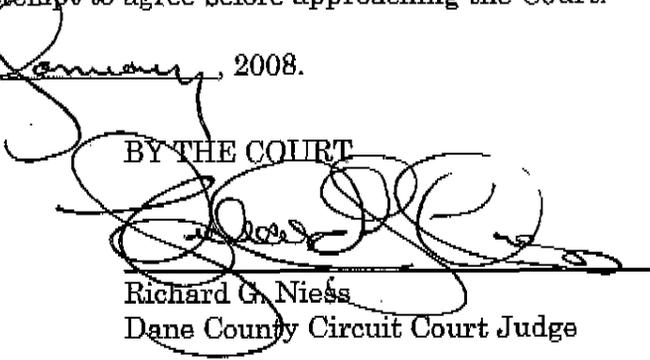
14. Calculating Time. For purposes of calculating deadlines under this Scheduling Order, intervening weekend days and holidays shall be counted. If the calculated deadline falls on a weekend day or holiday, the deadline shall be moved to the next occurring business day. If a deadline is to be calculated from the date of the occurrence of an event or a filing, the day on which the event or filing occurs shall not be counted.

15. Compliance with Wisconsin Rules Regarding Discovery. The provisions of this Scheduling Order do not relieve the parties of their obligations to respond timely to discovery requests pursuant to the Wisconsin Rules of Civil Procedure.

16. Modification of This Order. Any party may seek modification of this Order on notice to all other parties; the parties are directed to meet and confer with respect to any proposed modifications and attempt to agree before approaching the Court.

Dated this 25 day of January, 2008.

BY THE COURT


Richard G. Niess
Dane County Circuit Court Judge