

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH: 7

DANE COUNTY

STATE OF WISCONSIN,

Plaintiff,

v.

AMGEN, INC., et al.,

Defendants.

Case No: 04 CV 1709

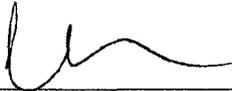
Unclassified - Civil: 30703

**STIPULATION AND ORDER OF REFERENCE
TO SPECIAL DISCOVERY MASTER**

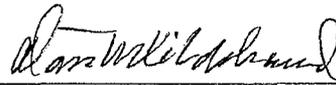
STIPULATION

It is stipulated that the following Order of Reference to Special Discovery Master may be entered by the Court.

Dated: June 23, 2005.



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Corp. and on behalf of Defendants

**ORDER OF REFERENCE
TO SPECIAL DISCOVERY MASTER**

Pursuant to Wis. Stat. § 805.06, the Court hereby enters this Order of Reference to a Special Discovery Master ("SDM") for the purpose of assisting the Court in conducting and completing discovery in an orderly and efficient manner.

1. By agreement of the parties, William F. Eich is hereby appointed Special Discovery Master *pro hac vice* to assist in resolving certain discovery disputes that may arise in this action.

2. (a) The SDM shall have the duty and the power to decide discovery disputes that are within the scope of Wis. Stat. §§ 804.01(3) and (4) and §§ 804.12(1), (2)(b) and (4). The SDM shall have the ability to impose expenses, including the fees of the SDM in deciding a particular discovery dispute, pursuant to Wis. Stat. §§ 804.12(1)(c) and 804.12(2)(b). The SDM does not have the duty or power to decide the issue pending before the Court as to whether Plaintiff may share confidential information it receives from discovery in this case with other law enforcement officials. The SDM does not have authority to award sanctions under Wis. Stat. §§ 804.12(2)(a)1 through 4, but upon a finding by the SDM that a party failed to comply with a Court order the SDM may issue an order recommending that appropriate sanctions under these provisions be entered by the Court. If the SDM's recommendation is not appealed as provided in Paragraph 5 of this Order, it will become the order of the Court.

(b) The SDM shall have the duty and power to schedule proceedings, require the submission of briefs and other written materials, make *in camera* inspection of documents, and hold hearings, take testimony, hear oral arguments, compel the appearance of witnesses and parties and supervise the

conduct of depositions for the purpose of determining discovery disputes and to issue appropriate orders adjudicating such discovery disputes.

(c) The SDM shall have the power and duty to mediate discovery disputes.

(d) The SDM shall act in accordance with the Wisconsin Rules of Civil Procedure, the Local Rules of this Court, and other orders of this Court.

3. All discovery motions and responses and other materials shall be served upon the parties and the SDM and shall be filed with the Court. Each party making a motion must certify that the movant has made a good faith effort to resolve the discovery dispute with the opposing party or parties.

4. (a) The SDM shall be reasonably available to hear matters promptly and at such times as may be convenient, at the discretion of the SDM. Argument may be heard by the SDM in person or by telephone pursuant to Wis. Stat. § 804.12(5). In the event a telephone hearing is conducted other than during a deposition, reasonable advance notice and an opportunity to participate in the telephone conference shall be provided to the parties.

(b) Hearings will be held at places directed by the SDM and may, with the SDM's consent, be held over the telephone. The parties involved in any hearing shall jointly arrange for a court reporter to be present at all hearings and shall provide to the SDM the original transcript of the hearing promptly thereafter. The costs of the court reporter shall be borne in the same manner as set forth in

paragraph 6(b). Any party ordering a copy of the transcript shall be responsible for the cost of such transcript.

(c) All decisions of the SDM shall be accompanied by a written Report stating the reasons for the decision or recommendation. The Report may also indicate the SDM's opinion as to whether or not it would be appropriate or helpful for the Court to review his decision. The Report shall be served upon the parties by mail and filed with the Court pursuant to Wis. Stat. § 805.06(5)(a).

5. Exceptions to any decision made by the SDM may be taken to this Court. The Court has full authority to modify or set aside the ruling of the SDM if the ruling is based on an erroneous exercise of discretion or other error of law. The Court shall review any findings of fact under the clearly erroneous standard provided by Wis. Stat. § 805.06(5)(b) and shall review issues of law *de novo*. Unless an exception is taken, any ruling by the SDM shall automatically and without hearing be adopted and entered as a ruling of the Court upon the expiration of fourteen (14) business days from the date the SDM mails the Report to the parties and to the Court for filing.

6. (a) The SDM shall be compensated at the rate of \$200 per hour, billed no more often than monthly, for services rendered, and also shall be reimbursed for all reasonable and necessary expenses.

(b) The compensation and reimbursement of expenses shall be paid fifty percent (50%) by the plaintiff and fifty percent (50%) by the defendants subject to paragraph 2(a).

7. All orders and decisions made by the SDM shall be appealable after the final disposition of this case, to the full extent and as if made by this Court. A party need not take exception to a decision by the SDM in order to preserve the issue for appeal, either on an interlocutory basis or as an appeal of a final order. All submissions and communications by all parties to the SDM, and all orders, decisions and communications from the SDM to the parties in connection with this Order, shall become part of the formal record in this action, and shall be considered part of the record on appeal pursuant to Wis. Stat. § 809.15. Upon the request of any party or the Court, prior to the entry of final judgment, the SDM shall forward the files to the Clerk of this Court for inclusion in the record.

8. Any party may move for a modification of this Order for good cause shown.

IT IS SO ORDERED this 23rd day of June, 2005.

BY THE COURT:


Honorable Moria G. Krueger
Circuit Judge

04 CV 1709