

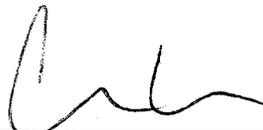


order, briefing for which was completed on April 26, 2006. Second, AstraZeneca seeks to limit the deposition to topics that have not previously been covered in depositions taken in the AWP Multi District Litigation (“MDL”), arguing that “for the most part,” the topics listed in the deposition notice have been covered the MDL depositions, copies of which AstraZeneca has provided to the State. The same argument has been advanced by defendant Johnson & Johnson in its motion for protective order, briefing for which is almost completed. Third, AstraZeneca argues that it should not be required to produce its corporate designee in Madison, Wisconsin. The same argument was raised by Merck in its motion for protective order, which was denied by the Discovery Master on April 27, 2006. At a hearing on May 19, 2006, Judge Krueger affirmed the Discovery Master’s ruling, which had been appealed by Merck.

The State has no interest in re-briefing these issues and incorporates by reference its briefs with regard to the Merck, Mylan, and Johnson & Johnson motions. However, AstraZeneca has refused to be bound by the rulings. For example, AstraZeneca asserts that there is a possibility that the Discovery Master’s rulings on the Mylan and Johnson & Johnson motions “could turn on circumstances unique to each defendant.” Yet AstraZeneca fails to identify what circumstances make it unique from the other defendants. In addition, AstraZeneca has only agreed to produce its corporate designee in Wisconsin if Merck’s appeal “is denied in its entirety.” In addition, the State has been unable to extract a commitment from AstraZeneca that the arguments advanced in the pending motions are the only arguments AstraZeneca intends to make in connection with the State’s deposition notice. This leaves open the possibility that AstraZeneca will further delay the deposition by requesting briefing on such arguments *after* rulings on those motions are issued.

The State's position is simple. Any and all arguments that AstraZeneca intends to raise with regard to the State's deposition notice should be raised now. If AstraZeneca agrees, without qualification, to be bound by the rulings on these pending motions, and also agrees not to raise any additional arguments after those motions are decided, the State has no objection to postponing the deposition until rulings on the pending motions are issued.

Dated this 22<sup>nd</sup> day of May, 2006.



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