

that such sharing would work to promote efficiencies in this case. That has changed. A core group of 17 states, including Wisconsin, plus the United States Department of Justice, New York City and some 50 New York Counties are now working together and, in doing so, have divided up the case among themselves. Sharing would permit lawyers from these different cases to help Wisconsin sort through defendants' huge document dumps which, in turn, will enable Wisconsin's attorneys to prepare for trial more quickly.

3. Defendants' unanimous objection to sharing has broken down. At least five defendants have now concluded that sharing is in their interest. Thus, Glaxo, Pfizer, Pharmacia, Sandoz and AstraZeneca have agreed to share the documents they have produced in Wisconsin with other states. This makes obvious sense from an overall judicial efficiency perspective.

4. A continuing inability to share in Wisconsin changes the discovery focus to states where there is sharing. Some states permit sharing including Alabama, Texas, Missouri and Florida, and the Illinois state court judge indicated he would approve such a practice. Plaintiff's counsel will necessarily focus their discovery in those states because it can be used among all the members of the enforcement group. Wisconsin should be included in this group.

5. Defendants are misusing the prohibition on sharing. Although objecting to sharing, when defendants schedule a deposition of a third party, or when a defendant is deposed in another case, the defendants have begun the practice of cross noticing these depositions without bothering to consult plaintiff's counsel as to time or place. This is unfair to Wisconsin because, among other reasons, it does not have access to the documents in the other cases. For example, when an Abbott employee is being deposed in the MDL defendants will cross notice him in all the state cases. But since the states do not have access to the documents produced in the MDL they cannot effectively participate and question the witness. Yet it is next to certain

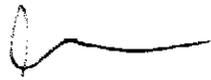
that if the states seek to depose the same witness they will be met with the objection that he has already been deposed. This is eating your cake and having it too. If sharing is not permitted then plaintiff ought to be allowed to opt out of these cross noticed depositions.

6. Finally, sharing work and documents among the State law enforcement officials is a longstanding practice and viewed by State Attorneys General as an important aid in their enforcement capability. There is no good reason to deprive them of this traditional law enforcement component at this juncture.

7. Defendants, of course, are not hamstrung by a lack of sharing since the same lawyers represent the same defendants in every state.

For these reasons plaintiff requests that it be allowed to share documents produced in this case with other states who are suing these defendants in accordance with the attached stipulation (Ex. B).

Dated this 22nd day of May, 2007.



One of Plaintiff's Attorneys

CHARLES BARNHILL
State Bar #1015932
ELIZABETH J. EBERLE
State Bar #1037016
ROBERT S. LIBMAN
Admitted Pro Hac Vice
Miner, Barnhill & Galland, P.C.
44 East Mifflin Street, Suite 803
Madison, WI 53703
(608) 255-5200

FRANK D. REMINGTON
Assistant Attorney General, State Bar #1001131
CYNTHIA R. HIRSCH
Assistant Attorney General, State Bar #1012870
Wisconsin Department of Justice

Post Office Box 7857
Madison, Wisconsin 53707-7857
(608) 266-3542 (FDR)
(608) 266-3861 (CRH)

P. Jeffrey Archibald
State Bar # 1006299
Archibald Consumer Law Office
1914 Monroe St.
Madison, Wisconsin 53711
(608) 661-8855

Attorneys for Plaintiff,
State of Wisconsin