

STATE OF WISCONSIN
CIRCUIT COURT Branch 7
DANE COUNTY

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STATE OF WISCONSIN, :
Plaintiff, :
v. :
AMGEN INC., et al., :
Defendants. :
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Case No.: 04 CV 1709
Unclassified Civil: 30703

NOTICE OF MOTION AND MOTION FOR A PROTECTIVE ORDER

PLEASE TAKE NOTICE that Defendant Sandoz Inc., by counsel, will bring the following motion at a date and time to be determined by the Special Discovery Master, relating to a deposition scheduled for May 10, 2006 and certain document requests and interrogatories to which Sandoz' response has been ongoing.

MOTION

Pursuant to Wis. Stats. § 804.01(3)(a), Sandoz respectfully requests an order adjourning its response to Plaintiff State of Wisconsin's First and Third Requests for Production, First Interrogatories, and Section 804.05(2)(3) Notice of Deposition until at least six weeks after (i) Plaintiff has filed an amended pleading that successfully cures the defects in its First Amended Complaint as directed by the April 3, 2006 Partial Order and Decision of the Court on Defendants' Motion to Dismiss and (ii) the Court has issued the remainder of its decision on Defendants' Motion.

Sandoz brings this motion because requiring a representative of Sandoz to testify at a § 804.05(2)(3) deposition without an operative pleading in place, and before Sandoz has completed its review of documents so as to enable Sandoz to properly identify relevant material

and identify and adequately prepare an appropriate representative, would be prejudicial and unduly burdensome. The short standstill in its discovery obligations to Plaintiff will additionally permit Sandoz a reasonable opportunity to assess the viability of Plaintiff's forthcoming Second Amended Complaint that, once filed, will also provide the necessary reference point to guide any further discovery.

The grounds for Sandoz' motion are more fully set forth in the Memorandum in Support of this motion, and the accompanying affidavit of Paul Olszowka, which are filed herewith.

WHEREFORE, Defendant Sandoz respectfully respects that Your Honor grant its motion for an order staying all Plaintiff's discovery until at least six weeks after Plaintiff files an amended complaint that successfully cures the deficiencies in its existing Complaint and the Court renders its decision on the remainder of the Defendants' Motion to Dismiss, and such other and further relief as Your Honor deems just and proper.

Dated: New York, New York
May 4, 2006

By: 

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