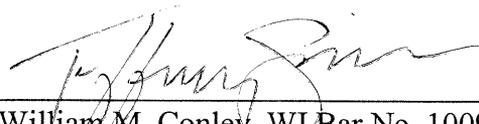


by the Defendants in this case is not accurate given the significant differences in the allegations, legal claims, and applicable law between the two cases.

Second, and again contrary to the State's assertion, the scorecard is not "15-0." The State conveniently fails to point out that a number of courts involved in the AWP litigation, including Pennsylvania, have granted Defendants' motions—some times repeatedly—and required the plaintiffs to replead because, like the complaint in this case, their complaint did not satisfy the requirement that fraud be plead with particularity. *See, e.g., TAP Pharm. Prods., Inc.*, 868 A.2d 624, 636 (Pa. Commw. Ct. 2005); *In re Pharm. Indus. Average Wholesale Price Litig.*, 263 F.Supp.2d 172, 194 (D. Mass 2004); *In re Pharm. Indus. Average Wholesale Price Litig.*, MDL No. 1456, Memorandum and Opinion, at 1 (D. Mass., Apr. 8, 2005); *Massachusetts v. Mylan Lab.*, 2005 U.S. Dist. LEXIS 2158 at 2 (Apr. 5, 2005); *Connecticut v. Glaxo SmithKline*, No. CV-03-0083298-S(X07), Order of February 11, 2004 (Ct. Super. Ct.).

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