

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

STATE OF WISCONSIN,

Plaintiff,

v.

Case No. 05-C-0408-C

ABBOTT LABORATORIES, ET AL.,

Defendants.

**PLAINTIFF STATE OF WISCONSIN'S MOTION TO FILE SUPPLEMENTAL
AUTHORITY IN CONNECTION WITH PLAINTIFF'S MOTION TO REMAND**

Plaintiff, State of Wisconsin, moves the Court for leave to file the attached opinion, *Commonwealth of Pennsylvania v. Tap Pharmaceutical Products, et al.*, in support of Wisconsin's motion to remand this case to state court for the following reasons:

1. The defendants removed certain cases, including this one, brought by state Attorneys' General alleging that defendants had violated state law by, inter alia, publishing phony and inflated "Average Wholesale Prices" upon which state Medicaid programs relied.¹

2. All states which had their cases removed are currently moving to remand these cases. The attached opinion is the decision of the United States District in Pennsylvania remanding the case brought by the State of Pennsylvania on the basis of principals applicable to this case.

3. This is the second such decision. The Alabama District Court earlier remanded the State of Alabama's case. *State of Alabama v. Abbott Laboratories, Inc., et al.*, Civil Action

¹ The defendants removed less than half of the cases making this claim.

No. 2:05-cv-00647-VPM. No case has denied remand.

Dated this ____ day of September, 2005.

Respectfully submitted,

One of Plaintiff's Attorneys

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