

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

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2005 AUG 26 PM 1:32

STATE OF WISCONSIN,

Plaintiff,

v.

ABBOTT LABORATORIES, ET AL.,

Defendants.

Case No. 05-C-0408-C

THERESA M. OWENS
CLERK US DIST COURT
WD OF WI

PLAINTIFF STATE OF WISCONSIN'S MOTION TO SUPPLEMENT THE RECORD

Plaintiff State of Wisconsin moves the Court for leave to supplement the record with the latest order in the case of *Illinois v. Abbott Laboratories* (attached hereto), a case that has been cited by defendants to assure this Court that the Illinois case will be transferred and that: "...the very same arguments raised by plaintiff here will be decided by Judge Saris with respect to the claims made by Illinois." Defendants Supplemental Authority at 2. As plaintiff's objection to defendants' Supplemental Authority pointed out, the orders from the Court in the Northern District of Illinois defendants' relied on for this assertion were based on the mistaken belief that the Conditional Transfer Order of the MDL was a final order. Illinois filed its motion to vacate this order and, on the day it did so, August 19, the Court entered the attached minute order.

In sum, the odd sequence of events taking place in the Northern District of Illinois has little to teach this Court in connection with the plaintiff's motion asking this Court to remand Wisconsin's case to state court.

Dated this 26th day of August, 2005.

Respectfully submitted,



One of Plaintiff State of Wisconsin's Attorneys

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United States District Court, Northern District of Illinois

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|--|----------------------------------|--|-----------|
| Name of Assigned Judge or Magistrate Judge | Charles R. Norgle | Sitting Judge if Other than Assigned Judge | |
| CASE NUMBER | 05 C 4056 | DATE | 8/19/2005 |
| CASE TITLE | Illinois vs. Abbott Laboratories | | |

DOCKET ENTRY TEXT:

Plaintiff's Motion to Allow Filing of Plaintiff's Reply Brief *Instante* on the Motion to Remand is granted. Plaintiff's Motions to Vacate Transfer Order, and to Reinstate Case, are under advisement.

Docketing to mail notices.

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| Courtroom Deputy Initials: | |
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