

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

UNITED STATES OF AMERICA,)	
)	
Plaintiff)	Case No. 11-cv-99-bbc
)	
v.)	
)	
WISCONSIN STATE CIRCUIT COURT)	
FOR DANE COUNTY;)	
THEODORE K, NICKEL, COMMISSIONER)	
OF INSURANCE OF THE STATE OF)	
WISCONSIN, as Rehabilitator of the)	
Segregated Account of Ambac Assurance)	
Corporation; and)	
AMBAC ASSURANCE CORPORATION)	
)	
Defendants.)	
_____)	

NOTICE

In its Motion for Preliminary Injunction filed February 9, 2011, Docket # 6, (the “Motion”) the United States indicated (1) that the Commissioner had requested the State Court to schedule “as expeditiously as possible” a hearing on the United States' motion, filed in the District Court during the removal proceedings, to dissolve the Wisconsin court's November 8, 2010 injunction, and (2) that the State Court had scheduled a hearing for February 23, 2011. In addition to other relief, the United States moved for an expedited ruling on its Motion before February 17, 2011, in order to protect the jurisdiction of this Court and the Seventh Circuit.

After the United States filed and served its Motion, the Commissioner asked the State Court to take the February 23 hearing off calendar. It appears from undersigned counsel’s review of the State Court’s online docket that the State Court has done so.

Although the February 23 State Court hearing is no longer pending, the State Court is not foreclosed from issuing a decision regarding the motion to dissolve without a hearing. Further, the State Court's injunction remains in place, purporting to affect the United States' sovereign rights every day. The United States therefore respectfully maintains its request that the Court consider the Motion on an expedited basis.

Respectfully submitted,

February 14, 2011

UNITED STATES DEPARTMENT OF JUSTICE

/s/ Robert J. Kovacev

ROBERT J. KOVACEV
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/s/ Hilarie Snyder

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CERTIFICATE OF SERVICE

I hereby certify on this 14th day of February, 2011 that I served a copy of this Notice by U.S. Mail, first class, postage prepaid and facsimile to the people listed below:

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Carlo Esqueda, Clerk
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The Honorable William D. Johnston
Lafayette County Circuit Court Judge
626 Main Street
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608-776-4845

I hereby certify that a copy of the Notice has also been served by e-mail upon the following on the 14th day of February 2011:

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