

IN THE CIRCUIT COURT OF  
MONTGOMERY COUNTY, ALABAMA

|                            |   |                           |
|----------------------------|---|---------------------------|
| STATE OF ALABAMA,          | ) |                           |
|                            | ) |                           |
| Plaintiff,                 | ) |                           |
| v.                         | ) | Civil Action No. 2005-219 |
|                            | ) |                           |
| ABBOTT LABORATORIES, INC., | ) |                           |
| et al.,                    | ) |                           |
|                            | ) |                           |
| Defendants.                | ) |                           |

**FIRST AMENDED NOTICE  
OF PARTY DEFENDANT DEPOSITION**

**TO:** All Counsel of Record for Defendants

**DEPONENT(S):** Abbott Laboratories, Inc.

**DATE:** Tuesday, June 13, 2006

**TIME:** 9:00 a.m.

**LOCATION:** Law Offices of BEASLEY, ALLEN, CROW,  
METHVIN, PORTIS & MILES, P.C.  
272 Commerce Street  
Montgomery, Alabama 36104

PLEASE TAKE NOTICE that, pursuant to Rule 30(b)(6) of the Alabama Rules of Civil Procedure, Plaintiff State of Alabama will take the videotaped deposition of Defendant Abbott Laboratories, Inc. upon oral examination before a videographer and stenographically before an officer authorized by law to administer oaths.

Videotaping is desirable to record the witness's demeanor for the jury and to allow the jury to see the actual witness testifying in the event that the deposition is presented in evidence

or used at trial in any manner. The recorded testimony will be accurate and trustworthy and the witness will be treated fairly in accordance with the recommendations contained in the Committee Comments to Rule 30.

The party deponent(s) will be examined on the matters listed below. Each party deponent to whom this notice is addressed shall designate one or more officers, directors, managing agents or other persons to testify on its behalf and shall identify for each such person so designated which of the matters set forth below that the person will testify to. This designation shall also specify whether that person will testify on behalf of all the party deponents listed above (if more than one) or, if not, exactly which defendant each person will speak for.

The oral examination will continue from day to day until completed and you are invited to attend if you desire. The following matters shall be the subject of the examination:

“Defendant” means each Defendant listed as a deponent above.

“Your Drugs” means the drugs listed in Exhibit A of the Second Amended Complaint attributed to each Defendant or the Defendant Group to which each Defendant belongs.

Each subject listed below is intended to cover the time period beginning January 1, 1990 and ending December 31, 2005.

1. Direct communications between Defendant (or Defendant’s counsel or representatives) and the State of Alabama Attorney General’s Office and/or the State of Alabama Medicaid Agency.
2. The nature and type of customers who purchase or distribute Your Drugs.
3. Regarding Your Drugs, all pricing decisions, pricing strategies, and pricing recommendations, including, without limitation, decisions, strategies, and recommendations

regarding price discounts, rebates, chargebacks, credits, inventory management agreements, and other forms of price reductions.

4. Regarding Your Drugs, marketing decisions, plans, and strategies; market share research; product launches; and advertising.

5. Regarding Your Drugs, sales strategies, sales staff training, sales meetings, competitive sales research, sales staff evaluations, and sales forecasts.

6. Regarding Your Drugs, the reporting of prices to First Data Bank and/or Red Book and all other communications between Defendant and First Data Bank and/or Red Book.

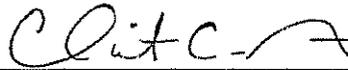
7. Regarding Your Drugs, actual sales transactions and any price discounts, rebates, chargebacks, credits, inventory management agreements, and other forms of price reductions relating thereto.

8. Regarding Your Drugs, the calculation of and reporting to CMS of AMP.

9. Regarding Your Drugs, the calculation of and reporting to First Data Bank and/or Red Book of AWP (average wholesale price), WAC (wholesale acquisition cost), direct price, and all other pricing information bearing different nomenclature.

10. Evidence that the prices for Your Drugs which you reported to First Data Bank and/or Red Book reflected actual prices based upon your actual sales transactions.

11. Identification of the existence, location and format of all hard copy and electronic documents, data and information pertaining to the subjects described in paragraphs 1 – 10 above.



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**CERTIFICATE OF SERVICE**

I hereby certify that I have on this the 28 of April, 2006, electronically served a true and correct copy of the foregoing pleading on counsel of record by transmission to LNFS, pursuant to Case Management Order No. 2.

  
OF COUNSEL