

**IN THE CIRCUIT COURT OF
MONTGOMERY COUNTY, ALABAMA**

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

**PLAINTIFF'S FIRST SET OF INTERROGATORIES AND REQUEST
FOR PRODUCTION TO DEFENDANTS**

Pursuant to Rules 33 and 34 of the Alabama Rules of Civil Procedure, Plaintiff propounds the following interrogatories and requests for production to be answered by each and every Defendant, separately and severally, in the manner and form prescribed by law:

Definitions

1. "You," "your" and "yours" shall mean each Defendant named in the First Amended Complaint, separately and severally, and its agents, servants, employees, attorneys, officers, directors or anyone acting in its behalf.
2. "Document" or "documents" shall mean the original (or identical duplicate when the original is not available) and all non-identical copies (whether non-identical because of notes made on copies or attached comments, annotations, marks, transmission notation or highlighting of any kind) and drafts of all writing, whether handwritten, typed, printed or otherwise produced, and includes, without limitation, letters, correspondence, memoranda, legal pleadings, notes, reports, agreements, calendars, diaries, travel or expense records, summaries, records, messages or logs of telephone calls, conversations or interviews, telegrams, mailgrams, facsimile

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transmissions (including cover sheets and confirmations), electronic mail, minutes or records of meeting, compilations, notebooks, laboratory notebooks, work papers, books, pamphlets, brochures, circulars, manuals, instructions, sales, advertising or promotional literature or materials, ledgers, graphs, charts, blue prints, drawings (including, without limitation, engineering, assembly and detail drawings), sketches, photographs, film and sound reproductions, tape recordings, digital files, phone mail messages, or any other tangible materials on which there is any recording or writing or any sort. The term also includes the file, folder tabs, containers and labels appended to or associated with any physical storage device for each original, copy and draft of a document. Additionally, the term "document" shall include "electronic data", which means the original and any non-identical copies and drafts of off-line data storage backups, archives, zip drives, zip files, disconnected hard drives, palm -held devices, servers, main-frames, any removal electronic media, mechanical, facsimile, electronic, magnetic, digital, or other programs (whether private, commercial, or work-in-progress), programming notes, instructions, comments or remarks, program change logs and activity listings of electronic mail receipts and/or transmittals, output resulting from the use of any software program, including word processing documents, spreadsheets, database files, charts, graphs and outlines, electronic mail, operating systems, source codes of all types, programming languages, linkers, compilers, peripheral drivers, PRF files, batch files, ASCII files, and any and all "active" file or files (readily readable by one or more computer application or forensics software); any "deleted" but recoverable electronic files on said media; any electronic file fragments (files that have been deleted and partially overwritten with new data); and slack (data fragments stored randomly from Random Access Memory on a hard drive during the normal operation of a computer or residual data left on the hard drive after new data has overwritten

some but not all of previously stored data). Electronic data includes any and all items stored on computer memories or computer chips, including, but not limited to, EPROM, PROM, RAM, and ROM, hard disks, floppy disks, CD-ROM, Bernoulli Boxes and their equivalent, magnetic tape of all types, microfiche, punched media or any other vehicle for digital data storage and/or transmittal, whether stored on a computer, laptop, PDA, palm pilot, blackberry, pen drive, electronic notebook, or electronic calendar, without regard to whether such electronic information storage device is owned by this Defendant or owned by an individual employee or agent. The term also includes all Electronic Bulletin Board Services, including all levels of access, sub-boards, conferences and all information contained therein. If a document requested to be produced was, but is no longer, in Defendant's possession or control, or is no longer in existence, state whether it is missing or lost, destroyed, transferred voluntarily or involuntarily to others, and if so, to whom, or was otherwise disposed of; and in each instance explain the circumstances surrounding and the authorization for such disposition and state the approximate date thereof.

3. "Identify" means:

a. When used in reference to a person, shall mean information sufficient to notice a deposition of such person and to serve such person with process requiring his or her attendance at a place of examination and shall include, without limitation, his or her full name; present or last known address; the last date when such address was known or believed to be correct; his or her present or last known business affiliation, title or occupation, and each of his or her positions, titles or job descriptions during the applicable period of time covered by any answer referring to such person;

b. When used in reference to a business entity, shall mean to state the full name, address, and telephone number of the entity;

c. When used in reference to a *document*, shall mean to state the type of *document*, date, author, addressee, title, its present location, the name and address of its custodian, and the substance of its contents. In lieu of the foregoing, a copy of the *document* may be attached as an exhibit to your answers; and

d. When used in reference to a communication, shall mean to *identify* the persons making and receiving the communication, and to state the mode of the communication (i.e.: verbal, written, etc.), the date and place of the communication, and the contents of the communication.

4. “Person” means, without limitation, any natural person, corporation, partnership, proprietorship, joint venture, association, government entity (including, without limitation, any government agency or political sub-division of any government), any group, or any other form of public or private business or legal entity.

5. “NDC number” means a National Drug Code designation assigned by the United States Food and Drug Administration to identify pharmaceutical products.

6. “Prescription Drugs” means all prescription drugs manufactured, distributed, marketed, and/or sold by you that are reimbursed by Alabama Medicaid, including pharmacy dispensed and physician administered drugs.

7. “Relevant Time Period” means the period from January 1, 1990, to the date on which you respond to a particular interrogatory.

8. “Average Manufacturer Price” or “AMP” means the price you report to the Secretary of Health and Human Services as the average manufacturer price pursuant 42 U.S.C. §1396r-8.

9. “Average Sales Price” or “ASP” means the price you report to the Secretary of Health and Human Services as the manufacturer’s average sales price pursuant to 42 U.S.C. §1396r-8.

10. “Governmental Officials” means any person who is a national, state, local or municipal elected or appointed official, any such official’s agents, contractors, employees or representatives, or any person who is an employee, agent or representative of any national, state, local or municipal government.

11. “Price Representation” means any statement, assertion, representation or declaration of the price of any Prescription Drug, including but not limited to representations made by you to Governmental Officials or to a Price Reporting Service concerning the average wholesale price (“AWP”), wholesale acquisition cost (“WAC”), wholesale price, wholesale net (“WHN”), direct price, direct acquisition cost (“DAC”), suggested wholesale price to pharmacy, price to wholesaler and/or distributor, direct price to pharmacy, or special price to chain warehouse.

12. “Price Reporting Service” means any entity which collects and publishes Price Representations for any of the Prescription Drugs, including but not limited to First Data Bank, Red Book, Medi-Span, and Blue Book.

13. “Spread” means the difference between the prices reported by you for your Prescription Drugs to any Price Reporting Service and the actual true prices paid for the Prescription Drugs.

14. “Alabama Medicaid” means the State of Alabama Medicaid Agency.

Instructions

1. You are required to timely supplement your response when appropriate or necessary under the Alabama Rules of Civil Procedures to make them correct or complete.
2. Unless otherwise indicated, the name of any person, party or business organization shall specifically include all past and present employees, officers, directors, agents, representatives, general partners, limited partners, successors, predecessors, and attorneys of the person, party or business organization.
3. If you object to an interrogatory on the basis of any claim of privilege, then you are requested to identify the following: the privilege or immunity from discovery you are asserting, the identity of the person(s) to whom such information has been communicated and the dates of the communications, and a full statement of all facts that constitute the basis for withholding the information in sufficient detail to permit the Court to adjudicate the validity of the claim. If any privilege asserted is related to or based on any document, then also identify: the person or persons who prepared, authored, or executed the document, the person to whom the document was sent or by whom it was received, the date on which the document was received, the subject matter of the document, the nature of the document (e.g., letter, telegram, etc.), each person who had access to, custody, possession or control over the document, and the document’s present custodian.
4. For purposes of interpreting or construing the scope of these requests, the terms shall be given their most expansive and inclusive interpretation unless otherwise specifically limited by the language of an individual request. This includes, without limitation, the following:

- a. Construing “and” as well as “or” in the disjunctive or conjunctive as necessary to make the request more inclusive;
 - b. Construing the singular form of the word to include the plural and the plural form to include the singular;
 - c. Construing the masculine to include the feminine and vice versa;
 - d. Construing the term “including” to mean including but not limited to.
5. All information is requested for the Relevant Time Period.
 6. If you produce documents in addition, or in lieu of, providing full and complete narrative responses (where permitted by the rules):
 - a. In producing documents and things, indicate the paragraph and subparagraph to which a produced document or thing is responsive.
 - b. In producing documents and things, furnish documents or things within your custody or control, regardless of whether such documents or things are possessed directly by you or your representatives.
 - c. If any requested documents or things cannot be produced in full, produce to the extent possible, specifying each reason for your inability to produce the remainder and stating whatever information, knowledge or belief you do have concerning the portion not produced.

Interrogatories

1. Identify each person or entity who assisted you or who provided you with information with regard to preparing your answers to these interrogatories and your responses to the following requests for production.
2. Identify each corporate officer and/or director of this Defendant during the Relevant Time Period.
3. State whether this Defendant or any of its present or former officers, directors, agents, employees or attorneys or anyone acting on its behalf has made any statement(s) in any

form pertaining to the matters referred to in the Complaint or to any allegations contained therein. If so:

- (a) Identify each person making such statement;
- (b) Identify each person to whom such statement was made;
- (c) State the nature, date and specific content of each such statement;
- (d) Identify each document or other recording upon which such statement is recorded, reflected or described; and
- (e) Identify the person or entity presently having custody, possession or control of each such statement or having any account thereof.

4. State whether, during the Relevant Time Period, this Defendant or any of its present or former officers, directors, agents, employees or attorneys or anyone acting on its behalf has given any statement(s) or sworn testimony relating to pharmaceutical drug pricing, including but not limited to depositions, hearing testimony, and responses to governmental investigations. If so:

- (a) Identify each person making such statement;
- (b) Identify each person to whom such statement was made;
- (c) State the nature, date and specific content of each such statement;
- (d) Identify each document or other recording upon which such statement is recorded, reflected or described; and
- (e) Identify the person or entity presently having custody, possession or control of each such statement or having any account thereof.

5. State whether the State of Alabama, Alabama Medicaid, or any of their present or former agents, officials, employees or attorneys or anyone acting on their behalf has made any statement(s) in any form pertaining to the matters referred to in the Complaint or to any allegations contained therein. If so:

- (a) Identify each person making such statement;
- (b) Identify each person to whom such statement was made;
- (c) State the nature, date and specific content of each such statement;
- (d) Identify each document or other recording upon which such statement is recorded, reflected or described; and
- (e) Identify the person or entity presently having custody, possession or control of each such statement or having any account thereof.

6. State the name and address of each person whom you expect to use as an expert witness at trial, and for each such person state:

- (a) His or her qualifications;
- (b) The substance of the facts and opinions to which the expert is expected to testify; and
- (c) A summary of the grounds for each such opinion.

7. Has this Defendant, during the Relevant Time Period, had any complaints filed against it by any state or federal agency or in any state or federal court regarding pharmaceutical pricing or marketing practices related to pricing? If so, identify the complaint(s) by case number, style, agency and/or court, date of filing, and explain the basis of such complaint(s) and the result(s).

8. Has this Defendant been the subject of any civil, criminal, regulatory, congressional, and/or administrative investigations or actions within the Relevant Time Period regarding pharmaceutical pricing or marketing practices related to pricing? If so, identify the investigating or acting body, initiation date, forum, and explain the basis of such investigation(s) or action(s) and the result(s).

9. Identify the person(s) currently employed by or affiliated with your company who is the most knowledgeable on the following subjects:

- (a) Marketing of your Prescription Drugs, including but not limited to, marketing plans and strategies, market share research, product launch materials, and advertising materials;
- (b) Sales of your Prescription Drugs, including but not limited to, sales staff training and sales meetings, competitive sales research and/or reports, sales strategies, sales staff evaluations, and sales forecasts;
- (c) Pricing of your Prescription Drugs, including but not limited to, the setting of product prices, rebates, credits, discounts and other price reductions, pricing recommendations, and pricing strategies;
- (d) The preparation, implementation, review, and communication of Price Representations, price updates, price change notifications, or other pricing information for your Prescription Drugs submitted to or published by Price Reporting Services;
- (e) Accounting operations related to your Prescription Drugs, including but not limited to sales data, price tracking reports, profitability analyses, sales forecasting, and revenue reports;
- (f) Calculations of Average Wholesale Price (“AWP”), Wholesale Acquisition Cost (“WAC”), Direct Price, AMP, and ASP for your Prescription Drugs;
- (g) Preparation, approval, and maintenance of contracts and records for the sale, distribution, marketing and purchase of your Prescription Drugs;
- (h) Governmental relation activities by this Defendant, including but not limited to, meetings, writings, speeches, or testimony given to state or federal government entities, employees or officials regarding prescription drug pricing or reimbursement issues;
- (i) Storage and maintenance of documents and data relating to the pricing of Prescription Drugs.

10. For each year during the Relevant Time Period, identify the person(s) employed by or affiliated with your company at that time (regardless of whether currently employed or affiliated) who was or is the most knowledgeable on the following subjects:

- (a) Marketing of your Prescription Drugs, including but not limited to, marketing plans and strategies, market share research, product launch materials, and advertising materials;

- (b) Sales of your Prescription Drugs, including but not limited to, sales staff training and sales meetings, competitive sales research and/or reports, sales strategies, sales staff evaluations, and sales forecasts;
- (c) Pricing of your Prescription Drugs, including but not limited to, the setting of product prices, rebates, credits, discounts and other price reductions, pricing recommendations, and pricing strategies;
- (d) The preparation, implementation, review, and communication of Price Representations, price updates, price change notifications, or other pricing information for your Prescription Drugs submitted to or published by Price Reporting Services;
- (e) Accounting operations related to your Prescription Drugs, including but not limited to sales data, price tracking reports, profitability analyses, sales forecasting, and revenue reports;
- (f) Calculations of Average Wholesale Price (“AWP”), Wholesale Acquisition Cost (“WAC”), Direct Price, AMP, and ASP for your Prescription Drugs;
- (g) Preparation, approval, and maintenance of contracts and records for the sale, distribution, marketing and purchase of your Prescription Drugs;
- (h) Governmental relation activities by this Defendant, including but not limited to, meetings, writings, speeches, or testimony given to state or federal government entities, employees or officials regarding prescription drug pricing or reimbursement issues;
- (i) Storage and maintenance of documents and data relating to the pricing of Prescription Drugs.

11. Identify each Price Reporting Service to which you have communicated Price Representations or other pricing information for your Prescription Drugs during the Relevant Time Period, the types or categories of Price Representations or other pricing information you provided to each Price Reporting Service, and the inclusive dates for the Price Representations or other pricing information which you provided to each Price Reporting Service.

12. Describe the pricing information provided by you to any Price Reporting Service during the Relevant Time Period for your Prescription Drugs, including but not limited to the

source of information, manner of calculation, and type or category of pricing report or other pricing information provided.

13. Identify each person currently or formerly employed or affiliated with your company, throughout the Relevant Time Period, who prepared and communicated Price Representations or other pricing related information for your Prescription Drugs to Price Reporting Services and/or who supervised such activities.

14. Identify each person currently or formerly employed or affiliated with this Defendant who has promoted and/or marketed and/or discussed the promotion and marketing of the “spread” on your Prescription Drugs during the Relevant Time Period.

15. State whether, at any point during the Relevant Time Period, you have tied the marketing or promotion of the “spread” on your Prescription Drugs to the compensation of your salespersons, distributors, or others within your organization. If so, identify each person currently or formerly employed or affiliated with this Defendant who was or is subject to such compensation arrangement and who supervised or authorized such compensation arrangement.

Request for Production

Plaintiff requests that Defendant produce the following:

1. Any and all documents identified and/or referenced in your responses to Plaintiff’s First Set of Interrogatories.
2. The Curriculum Vitae for any expert witness you expect to call as a witness at the trial of this case.
3. Organizational charts or other documents describing or depicting this Defendant, its subsidiaries, parents, affiliates, divisions, departments, offices, units or other subdivisions and the relationship among them, as of the current date.

4. For each year during the Relevant Time Period, documents, such as organizational charts, sufficient to show the organization of each division, department, unit or subdivision of this Defendant that had any role in the production, manufacture, market allocation, distribution, marketing, pricing or sale of your Prescription Drugs.

5. Promotional documents and public statements, announcements, disclosures, or press releases issued by this Defendant or any of your competitors referring or relating to the price, distribution, marketing or sale of the Prescription Drugs, including, by way of example and without limitation, any media files or advertising files, prepared during the Relevant Time Period.

6. Business plans, budgets, forecasts, or sales or profit projections referring or relating, in whole or in part, to the Prescription Drugs during the Relevant Time Period.

7. Documents which constitute, contain, or refer to analysis, evaluation or summary of the market allocation, sales territories, distribution, marketing, pricing or selling of the Prescription Drugs including, without limitation, documents referring or relating to sales volumes, product lines, profitability, competition, market share, competitive position, or sales territories.

8. Documents relating to discounts, rebates, credits or any other reduction from list prices or announced prices offered by you or any other company relating to the sale of the Prescription Drugs during the Relevant Time Period.

9. Documents reflecting the actual prices charged by you for your Prescription Drugs during the Relevant Time Period to wholesalers, net of all volume discounts, prompt pay discounts, cash discounts, chargebacks, free goods, and all other discounts, rebates, credits or other reductions from list, invoice, or announced prices.

10. Documents reflecting the actual prices charged by you for your Prescription Drugs during the Relevant Time Period to retailers, net of all volume discounts, prompt pay discounts, cash discounts, chargebacks, free goods, and all other discounts, rebates, credits or other reductions from list, invoice, or announced prices.

11. Catalogues, sales materials, reports, memoranda, circulars, flyers, brochures, letters, bulletins, instructions or other documents sent to or provided to sales personnel (including inside and outside sales staff, telemarketers, etc), service representatives, customers, distributors or other persons relating to the Prescription Drugs, including, but not limited to, documents referring or relating to the “spread,” reimbursement, cost, savings or profitability of the Prescription Drugs.

12. Documents reflecting or relating to communications by and between sales or marketing personnel pertaining to, or discussing in any way, reimbursement on the Prescription Drugs, during the Relevant Time Period.

13. Documents reflecting, relating to, or discussing in any way the “spread” on Prescription Drugs or those of your competitors.

14. Documents referring to or relating to your percentage or share of industry production or sales (or other measure of market share) of the Prescription Drugs, or that of any manufacturer, producer or distributor of the Prescription Drugs, during the Relevant Time Period.

15. Documents reflecting, referring to or relating to sales reports, marketing reports, production reports, and reports on margins or profits from sales of the Prescription Drugs during the Relevant Time Period.

16. Documents showing prices, price premiums, profit margins and/or profitability for any or all of the Prescription Drugs during the Relevant Time Period.

17. Documents which discuss, study or compare the quality, profitability, or other characteristics of the Prescription Drugs with any therapeutically similar competitor drugs manufactured, produced, marketed, or distributed by any other company.

18. Documents which discuss, study or compare any and all pricing of the Prescription Drugs with any therapeutically similar competitor drugs manufactured, produced or distributed by any other company.

19. Summaries, comparison data, reports and/or other documents referring to, relating to, reviewing, or analyzing the pricing, marketing, and/or sales transactions of the Prescription Drugs during the Relevant Time Period.

20. Documents, including electronic data if available, specifically reflecting:

- a. each commercial transaction involving the Prescription Drugs including the date thereof during the Relevant Time Period;
- b. for each transaction involving the Prescription Drugs, the name and address of the person to whom you bill for the sale of the Prescription Drugs (the "bill-to-customer") and, in addition, the full name and address of the parent company, if the database or documents identify a subsidiary, corporate affiliate, division, satellite office, or warehouse;
- c. for each sale and/or other transaction involving the Prescription Drugs, the name and address of the person to whom you ship the Prescription Drugs (the "ship to customer") and, in addition, the full name and address of the parent company, if the database or documents identify a subsidiary, corporate affiliate, division, satellite office, or warehouse;
- d. for each sale and/or other transaction involving the Prescription Drugs, the invoice or other sales transaction documentation;
- e. discounts, rebates, chargebacks, returns and/or other price and quantity adjustments relating to each sale, transaction, and/or set of sales or transactions involving or relating to the Prescription Drugs;

- f. any other price or unit adjustments -- whether monthly, quarterly or on any other basis -- involving or relating to sales or transactions involving the Prescription Drugs; and
- g. the net amount in dollars, and in dollars per unit, for each sale and/or other transaction involving or relating to the Prescription Drugs.

21. Documents sufficient to explain the record layout, including any or all of the data fields, of electronic data produced in response to any of these requests, and/or the operation of any equipment or software utilized by you to maintain the responsive electronic data.

22. Documents which reflect or relate to the prices charged to, and other terms and/or conditions of sale for the Prescription Drugs, including without limitation, pricing communications or contracting correspondence, manuals, price lists, guidelines, matrices, policies, mark-up policies, mark-up formulas, formulas, and/or any other pricing procedures, for each product line, and/or product, and for each customer, and/or customer group purchasing organization, and/or price reporting service, and/or class of trade or subgroup thereof or other documents that are sufficient to identify:

- a. payment terms;
- b. discounts, rebates, chargebacks and/or other adjustments offered to any purchaser and/or class of trade;
- c. prices and terms of sale for wholesale purchasers;
- d. prices and/or discounts and/or rebates and/or other adjustments for chain pharmacy purchasers;
- e. prices and/or discounts and/or rebates and/or other adjustments for hospital purchasers;
- f. prices and/or discount and/or rebates and/or other adjustments for managed care purchasers;
- g. price and/or discount and/or rebates and/or other adjustments for mail order purchasers;

- h. price and/or discount and/or rebates or other adjustments for any and all other purchaser class of trade or subgroup.

23. Documents constituting or relating to written contracts which, in whole or in part, govern the sale of the Prescription Drugs by you, whether or not those contracts are with customers who purchase the Prescription Drugs directly from you, including drafts, correspondence, and supporting detail and data (in electronic form where available).

24. Documents relating to pre- and post-market entry strategy regarding the Prescription Drugs, including analysis, forecasting and projections, pricing, and any other matters in connection therewith.

25. Manuals and/or other documents relating to or reflecting pricing formulas, matrices, guidelines, and/or policies relating to the sale of the Prescription Drug.

26. Documents pertaining to the sales activities of this Defendant's employees, independent contractors, or agents, including but not limited to emails, notes, reports, memoranda, "work with" reports, or other recordings relating to or describing sales calls relating to the Prescription Drugs during the Relevant Time Period.

27. Documents constituting or relating to price verification reports, price change announcements or notifications, or adjustment summaries received from or sent to any Price Reporting Service for the Prescription Drugs during the Relevant Time Period.

28. In electronic form, the Average Manufacturer Price ("AMP") for each of your Prescription Drugs for each calendar quarter for which an AMP was either calculated or reported by you as required by federal law during the Relevant Time Period. (Acceptable electronic forms for your response include, but are not limited to ASCII text or Microsoft Excel spreadsheet (.xls) formats on compact (optical) disk. In the event you wish to respond in a form not listed here, please contact counsel for Plaintiff to discuss other acceptable formats or media.)

29. Data and any other material from which you calculated Average Manufacturer's Price ("AMP") as described in 42 U.S.C. §1396r-8 for the Prescription Drugs, together with any record containing or outlining assumptions made by you in your calculation of AMP.

30. In electronic form, the Average Sales Price ("ASP") for each of your Prescription Drugs for each calendar quarter during the Relevant Time Period. See Request Number 28 for acceptable electronic formats.

31. Data and any other material from which you calculated Average Sales Price ("ASP") for the Prescription Drugs, together with any record containing or outlining assumptions made by you in your calculation of ASP.

32. In electronic form, the Average Wholesale Price ("AWP") reported by you for each of your Prescription Drugs to any Price Reporting Service during the Relevant Time Period. See Request Number 28 for acceptable electronic formats.

33. Data and any other material from which you calculated AWP for each of your Prescription Drugs which was reported to any Price Reporting Service, together with any record containing or outlining assumptions made by you in your calculation of AWP.

34. In electronic form, the Wholesale Acquisition Cost ("WAC") reported by you for each of your Prescription Drugs to any Price Reporting Service during the Relevant Time Period. See Request Number 28 for acceptable electronic formats.

35. Data and any other material from which you calculated WAC for each of your Prescription Drugs which was reported to any Price Reporting Service, together with any record containing or outlining assumptions made by you in your calculation of WAC.

36. In electronic form, the Direct Price reported by you for each of your Prescription Drugs to any Price Reporting Service during the Relevant Time Period. See Request Number 28 for acceptable electronic formats.

37. Data and any other material from which you calculated Direct Price for each of your Prescription Drugs which was reported to any Price Reporting Service, together with any record containing or outlining assumptions made by you in your calculation of Direct Price.

38. Documents, including but not limited to emails and internal correspondence and memoranda, relating or referring to AWP, WAC, or Direct Price for your Prescription Drugs or those of your competitors during the Relevant Time Period.

39. Documents related to, reflecting, or referring to any adjustments to AWP, WAC and/or Direct Price for your Prescription Drugs during the Relevant Time Period.

40. Documents reflecting, referring to, describing or consisting of agreements, contracts and correspondence with any employees, agents, contractors, consultants, advisors or other person or entity who sold, marketed, priced, advertised, negotiated or otherwise consulted on your behalf concerning the Prescription Drugs during the Relevant Time Period, including, but not limited to compensation and/or salary packages, and/or bonus plans, requirements, criteria.

41. Documents reflecting, referring to, describing or consisting of price file data bases or similar data bases within the possession, custody or control of, or maintained by this Defendant which contain information relating to the sale or distribution of the Prescription Drugs.

42. Documents related to, reflecting, referring to, describing or consisting of minutes, notes, presentations, discussions, meetings, decisions, deliberations, resolutions or directives by

corporate management and/or of the Board of Directors relating to pricing, price reporting, or marketing of any and all drugs manufactured and/or marketed by this Defendant, including, but not limited to the Prescription Drugs, during the Relevant Time Period.

43. Documents reflecting or consisting of all Price Representations, price lists, price changes, and any corrective pricing information communicated between this Defendant and any data or Price Reporting Service during the Relevant Time Period for the Prescription Drugs.

44. Documents reflecting, referring to, describing or consisting of communications between this Defendant and any data or Price Reporting Service relating to any of the Prescription Drugs during the Relevant Time Period, other than the pricing information requested in the preceding paragraph.

45. Any and all internal documents or communications discussing, referring or relating to First Data Bank.

46. Any contracts existing between this Defendant and any data or Price Reporting Service during the Relevant Time Period, including any amendments thereto.

47. Documents reflecting, referring to, describing, or consisting of communications between this Defendant and its current employees, former employees, independent contractors, and/or third parties (other than its legal counsel) regarding investigations, audits, reviews or analyses relating to pharmaceutical pricing practices and/or reimbursement and/or Medicaid programs.

48. Documents concerning any consulting services performed for you concerning drug pricing and/or Medicaid drug reimbursement during the Relevant Time Period.

49. Documents concerning Price Representations for the Prescription Drugs during the Relevant Time Period.

50. Documents concerning the calculation or accounting of net realizable sales of the Prescription Drugs during the Relevant Time Period.

51. Periodic reports, summaries, or any other documents constituting or relating to the average, median, or mean or any other summary calculation of pricing for each Prescription Drug during the Relevant Time Period.

52. Documents relating to communications between this Defendant and Alabama Medicaid, the Alabama Attorney General, or any other State of Alabama agency, office, official, staff member, employee or entity concerning the pharmaceutical reimbursement system and/or the pricing of Prescription Drugs.

53. Documents relating to communications between you and any Medicaid agency or any other state or federal government agency, office, official, entity, staff member or employee concerning the Medicaid pharmaceutical reimbursement system and/or the pricing of Prescription Drugs.

54. Any complaints filed against this Defendant with any state or federal agencies or courts during the Relevant Time Period relating to pharmaceutical pricing or marketing practices related to pricing.

55. Any documents evidencing or relating to any reprimands, actions, or complaints, or disciplinary actions taken against this Defendant by any Attorney General of any state in the United States of America or by any agency of the Federal Government.

56. Any and all documents produced by this Defendant in the drug pricing lawsuits being pursued by and/or filed by any relators and/or the States of Arizona, Arkansas, California, Connecticut, Florida, Illinois, Kentucky, Massachusetts, Minnesota, Montana, Nevada, New

Jersey, New York, North Carolina, Ohio, Pennsylvania, Texas, West Virginia, Wisconsin, and the City of New York.

57. Any and all documents produced by this Defendant to any federal or state governmental agency, authority or official related to pharmaceutical pricing or marketing practices related to pricing during the Relevant Time Period.

58. Any and all statements or responses given by this Defendant or any of its current or former officers, directors, employees, agents, or others on behalf of the Defendant, to any federal or state governmental agency, authority or official regarding or relating to pharmaceutical pricing or marketing practices during the Relevant Time Period.

59. Any and all statements (whether sworn or not), deposition testimony, or other sworn testimony, given by this Defendant or any of its current or former officers, directors, employees, agents, or others on behalf of the Defendant, during the Relevant Time Period, regarding or relating to pharmaceutical drug pricing and/or reimbursement practices.

60. Documents referring or relating to your policy or practice concerning the retention, destruction, disposal or preservation of documents.



Roger L. Bates (BAT006)
Deputy Attorney General
HAND ARENDALL, L.L.C.
1200 Park Place Tower
2001 Park Place North
Birmingham, Alabama 35203
(205) 324-4400
(205) 322-1163 (facsimile)

Caine O'Rear III (ORE003)
Windy C. Bitzer (BIT005)
Deputy Attorneys General
HAND ARENDALL, L.L.C.
Post Office Box 123
Mobile, Alabama 36601
(251) 432-5511
(251) 694-6375 (facsimile)



Jere L. Beasley (BEA020)
W. Daniel "Dee" Miles, III (MIL060)
Clinton C. Carter (CAR112)
Deputy Attorneys General
BEASLEY, ALLEN, CROW,
METHVIN, PORTIS & MILES, P.C.
Post Office Box 4160
Montgomery, Alabama 36103-4160
(334) 269-2343
(334) 954-7555 (facsimile)

CERTIFICATE OF SERVICE

I hereby certify that I have served a true and correct copy of the foregoing document upon all counsel of record as listed below by placing the same in the United States mail, properly addressed and first class postage prepaid on this the 13th of April, 2005.

Abbott Laboratories, Inc.

Toni Ann Citera
JONES DAY
222 East 41st Street
New York, New York 10017-6702

Jeremy Cole
JONES DAY
77 West Wacker Drive, Suite 3500
Chicago, Illinois 60601

Jesse Witten
JONES DAY
51 Louisiana Avenue, N.W.
Washington, DC 20001

Betsy Collins
Leach Poynter
ALSTON & BIRD LLP
One Atlantic Center
1201 West Peachtree Street
Atlanta, Georgia 30309-3424

Alcon Laboratories, Inc.

Archibald Reeves, IV
MCDOWELL KNIGHT ROEDDER
& SLEDGE, L.L.C.
63 South Royal Street, Suite 900
Mobile, Alabama 36602

Richard Mark
John Ansbro
Sivan Korn
ORRICK, HERRINGTON & SUTCLIFFE LLP
666 Fifth Avenue
New York, New York 10103

Allergan, Inc.
Richard Raskin
Michael Doss
SIDLEY AUSTIN BROWN & WOOD
Bank One Plaza
10 South Dearborn Street
Chicago, Illinois 60603

Tripp Houston
BRADLEY ARANT LLP
One Federal Place
1819 Fifth Avenue North
Birmingham, Alabama 35203

Alpharma, Inc.
PurePac Pharmaceutical Co.
John R. Fleder
HYMAN, PHELPS & MCNAMARA, P.C.
700 Thirteenth Street, N.W., Suite 1200
Washington, D.C. 20005

Alpharma, Inc.
PurePac Pharmaceuticals Co.
Steven F. Casey
BALCH & BINGHAM LLP
Post Office Box 306
Birmingham, Alabama 35201-0306

ALZA Corporation
Bill Cavanaugh
Andy Schau
Erik Haas
PATTERSON BELKNAP WEBB
& TYLER LLP
1133 Avenue of the Americas
New York, New York 10036-6710

Amgen, Inc.
Hank Young
Steve Barley
HOGAN & HARTSON LLP
111 S. Calvert Street, Suite 1600
Baltimore, Maryland 21202

Anthony A. Joseph
JOHNSTON BARTON PROCTOR
& POWELL LLP
2900 AmSouth/Harbert Plaza
1901 Sixth Avenue North
Birmingham, Alabama 35203-2618

Andrx Corporation
Andrx Pharmaceuticals, Inc.
James Matthews
SHERIN LODGEN LLP
101 Federal Street
Boston, MA 02110

AstraZeneca Pharmaceuticals LP
AstraZeneca LP
D. Scott Wise
Michael Flynn
Kim Harris
DAVIS POLK & WARDWELL
450 Lexington Avenue
New York, New York 10017

AstraZeneca Pharmaceuticals LP
AstraZeneca LP
Tom Christian
Sharon Stuart
CHRISTIAN & SMALL
1800 Financial Center
505 North 20th Street
Birmingham, Alabama 35203

Aventis Pharmaceuticals, Inc.
Carlos Provencio
SHOOK HARDY & BACON L.L.P.
Hamilton Square
600 14th Street, N.W., Suite 800
Washington, D.C. 20005-2004

Mike Koon
Nicola Heskett
SHOOK HARDY & BACON L.L.P.
2555 Grand Blvd.
Kansas City, Missouri 64108

Richard H. Gill
COPELAND, FRANCO, SCREWS
& GILL, P.A.
444 South Perry Street
Post Office Box 347
Montgomery, Alabama 36101-0347

Aventis Behring, LLC
ZLB Behring, LLC
William D. Nussbaum
Jonathon T. Rees
Gregory Petouvis
HOGAN & HARTSON, LLP
555 Thirteenth Street, NW
Washington, DC 20004

Richard H. Gill
COPELAND, FRANCO, SCREWS
& GILL, P.A.
444 South Perry Street
Montgomery, Alabama 36101-0347

Barr Laboratories, Inc.
Karen Walker
Pamela Auerbach
Sean Trende
KIRKLAND & ELLIS LLP
655 Fifteenth Street, N.W., Suite 1200
Washington, DC 20005

Bruce F. Rogers
BAINBRIDGE, MIMS, ROGERS
& SMITH LLP
600 Luckie Drive
Post Office Box 530886
Birmingham, Alabama 35253

Baxter Healthcare Corporation
Baxter International, Inc.
Merle DeLancey
Tina Reynolds
DICKSTEIN SHAPIRO MORIN
& OSHINSKY LLP
2101 L Street, N.W.
Washington, DC 20037-1526

Bayer Corporation
Bayer Pharmaceuticals Corporation
Bayer Healthcare, LLC
Richard Raskin
Michael Doss
Sara Rankin
SIDLEY AUSTIN BROWN & WOOD
Bank One Plaza
10 South Dearborn Street
Chicago, Illinois 60603

Tripp Haston
BRADLEY ARANT LLP
1819 Fifth Avenue North
Birmingham, Alabama 35203

Biovail Pharmaceuticals, Inc.
Ronald Rauchberg
PROSKAUER ROSE LLP
1585 Broadway
New York, New York 10036

Boehringer Ingelheim Corporation
Boehringer Ingelheim Pharmaceuticals, Inc.
Roxane Labs, Inc.
Paul Coval
Douglas L. Rogers
Darrell A. H. Miller
VORYS SATER SEYMOUR & PEASE LLP
52 East Gay Street
Post Office Box 1008
Columbus, Ohio 43216-1008

Sandy Robinson
CABANISS, JOHNSTON, GARDNER,
DUMAS & O'NEAL
Post Office Box 2906
Mobile, Alabama 36652

Bristol-Myers Squibb Company

Lyndon Tretter
Steve Edwards
James Zucker
HOGAN & HARTSON LLP
875 Third Avenue
Suite 2600
New York, New York 10022

Harlan I. Prater, IV
LIGHTFOOT, FRANKLIN & WHITE LLC
The Clark Building
400 20th Street North
Birmingham, Alabama 35203-3200

DEY, L.P.

Paul F. Doyle
Christopher C. Palermo
Neil Merkl
KELLEY DRYE & WARREN LLP
101 Park Avenue
New York, New York 10178

Joseph W. Letzer
Gary M. London
BURR & FORMAN LLP
3100 SouthTrust Tower
420 North 20th Street
Birmingham, Alabama 35203

Eisai, Inc.

Brien T. O'Connor
E. Abim Thomas
ROPES & GRAY LLP
One International Place
Boston, MA 02110

Julia Cooper
WALSTON WELLS ANDERSON BAINS LLP
One Federal Place
1819 Fifth Avenue North, Suite 1100
Birmingham, Alabama 35203

Eli Lilly and Company

William Davis
Mitz, Levin, Cohen, Ferris
GLOVSKY & POPEO
701 Pennsylvania Avenue, N.W., Suite 900
Washington, DC 20004

Tabor R. Novak, Jr.
BALL, BALL, MATTHEWS & NOVAK, P.A.
2000 Interstate Park Drive, Suite 204
Montgomery, Alabama 36109

Endo Pharmaceuticals, Inc.

Jonathan Stern
Nathan Cortez
David Fauvre
ARNOLD & PORTER
Thurman Arnold Building
555 Twelfth Street, NW
Washington, DC 20004-1206

ETHEX Corporation

Robert S. Litt
Justin Antonipillai
Michael Rinaldi
ARNOLD & PORTER
Thurman Arnold Building
555 Twelfth Street, NW
Washington, DC 20004-1206

Forest Laboratories, Inc.

Forest Pharmaceuticals, Inc.

Peter Venaglia
Brian Rafferty
DORNBUSH SCHAEFFER, STRONGIN
& WEINSTEIN LLP
747 Third Avenue
New York, New York 10017

William Hardie
JOHNSTONE ADAMS
Post Office Box 1988
Mobile, Alabama 36633-1988

Fujisawa Healthcare, Inc.

Fujisawa USA, Inc.

Kathleen McGuan
Andrew Hurst
REED SMITH LLP
1301 K Street, N.W.
Suite 1100, East Tower
Washington, DC 20005

Michael T. Scott
REED SMITH LLP
2500 One Liberty Place
1650 Market Street
Philadelphia, Pennsylvania 19103-7301

Richard Sharff, Jr.
BRADLEY ARANT LLP
1819 5th Avenue North
Birmingham, Alabama 35203-2104

G.D. Searle, LLC

Managing Member
4901 Searle Parkway
Skokie, Illinois 60077-2919

Genzyme Corporation

Brien T. O'Connor
Eric Christofferson
ROPES & GRAY LLP
One International Place
Boston, MA 02110

Julia Cooper
WALSTON WELLS ANDERSON BAINS LLP
One Federal Place
1819 Fifth Avenue North, Suite 1100
Birmingham, Alabama 35203

Gilead Sciences, Inc.

Robert S. Litt
Jessica Medina
Rebecca Dubin
ARNOLD & PORTER LLP
Thurman Arnold Building
555 Twelfth Street, NW
Washington, DC 20004-1206

Glaxo Wellcome, Inc.

Mr. Robert A. Ingram
President, Chairman. and CEO
5 Moore Drive
Research Triangle Park, NC 27709

Hoffman-LaRoche, Inc.

Grace Rodriguez
Ann Malekzadeh
Kevin Sullivan
KING & SPALDING LLP
1730 Pennsylvania Avenue, NW
Washington, DC 20006-4706

Edward S. Sledge, III
Archibald T. Reeves, IV
MCDOWELL, KNIGHT, ROEDDER
& SLEDGE, LLC
Post Office Box 350
Mobile, Alabama 36601

Immunex Corporation

Dave Burman
Katie O'Sullivan
Zoe Philippides
PERKINS COIE LLP
1201 Third Avenue, Suite 4800
Seattle, Washington 98101-3099

Stan Starnes
STARNES & ATCHISON LLP
Post Office Box 598512
Birmingham, Alabama 35259-8512

IVAX Corporation

IVAX Pharmaceuticals, Inc.

Bruce Wessel
IRELL & MANELLA LLP
1800 Avenue of the Stars, Suite 900
Los Angeles, California 90067-4276

Johnson & Johnson
Janssen Pharmaceutical Products, LP
McNeil-PPC, Inc.
Ortho Biotech Products LP
Ortho-McNeil Pharmaceutical, Inc.
Bill Cavanaugh
Andy Schau
Erik Haas
PATTERSON, BELKNAP WEBB
& TYLOER LLP
1133 Avenue of the Americas
New York, New York 10036-6710

W. Michael Atchison
STARNES & ATCHISON LLP
Post Office Box 598512
Birmingham, Alabama 35259-8512

K-V Pharmaceutical Company
Robert S. Litt
Justin Antonipillai
Michael Rinaldi
ARNOLD & PORTER
555 Twelfth Street, NW
Washington, DC 20004-1206

King Pharmaceuticals, Inc.
Monarch Pharmaceuticals, Inc.
Gary Greenberg
Louis J. Scerra, Jr.
GREENBERG TRAUERIG LLP
One International Place
Boston, MA 02110

Sam Blair
John Starnes
Lisa Borden
BAKER DONELSON BEARMAN
CALDWELL & BERKOWITZ, P.C.
1600 SouthTrust Tower, 420 20th Street
Birmingham, Alabama 35203

MedImmune, Inc.

Steve Umin
James Hayes
WILLIAMS & CONNOLLY LLP
725 Twelfth Street, N.W.
Washington, DC 20005-5901

Lee H. Copeland
COPELAND, FRANCO, SCREWS
& GILL, P.A.
Post Office Box 347
Montgomery, Alabama 36101-0347

Merck & Co., Inc.

John Townsend
Robert Reznick
Robert Funkhouser
HUGHES HUBBARD & REED LLP
1775 I Street N.W.
Washington, DC 20006-2401

Robert C. Brock
Robert Huffaker
RUSHTON, STAKELY, JOHNSON
& GARRETT, P.A.
184 Commerce Street
Montgomery, Alabama 36104

Mylan Laboratories, Inc.

Mylan Pharmaceuticals, Inc.

UDL Laboratories, Inc.

Gary Greenberg
Louis J. Scerra, Jr.
GREENBERG TRAUERIG LLP
One International Plaza
Boston, MA 02110

David Long-Daniesl
GREENBERG TRAUERIG, LLP
3290 Northside Parkway, Suite 400
Atlanta, Georgia 30327

Novartis Pharmaceuticals Corporation

Saul Morgenstern

Jane W. Parver

Mark Godler

KAY SCHOLER LLP

425 Park Avenue

New York, New York 10022-3598

William D. Coleman

James N. Walter, Jr.

CAPELL & HOWARD, P.C.

Post Office Box 2069

Montgomery, Alabama 36102-2069

Novo Nordisk Pharmaceuticals, Inc.

Richard Raskin

Michael Doss

SIDLEY AUSTIN BROWN & WOOD

Bank One Plaza

10 South Dearborn Street

Chicago, Illinois 60603

Tripp Haston

BRADLY, ARANT LLP

One Federal Place

1819 Fifth Avenue North

Birmingham, Alabama 35203

Organon Pharmaceuticals USA, Inc.

William Campos

David Covey

SEDGWICK, DETERT, MORAN

& ARNOLD, LLP

125 Broad Street

New York, New York 10004

Edward S. Sledge, III

Archibald T. Reeves, IV

MCDOWELL, KNIGHT, ROEDDER

& SLEDGE, LLC

Post Office Box 350

Mobile, Alabama 36601

Par Pharmaceutical, Inc.

Richard Cooper
Paul K. Dueffert
Catherine Levy
WILLIAMS & CONNOLLY LLP
725 12th Street, NW
Washington, DC 20005

George W. Walker
COPELAND, FRANCO, SCREWS
& GILL, P.A.
Post Office Box 347
Montgomery, Alabama 36101-0347

Pfizer, Inc.

Agouron Pharmaceuticals, Inc.
Pharmacia Corporation
Pharmacia & Upjohn Company
Scott Stempel
MORGAN LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue, N.W.
Washington, DC 20004

Jack Dodds
MORGAN, LEWIS & BOCKIUS LLP
1701 Market Street
Philadelphia, Pennsylvania 19103

Philip H. Butler
BRADLEY, ARANT LLP
Alabama Center for Commerce Bldg.
401 Adams Avenue, Suite 780
Montgomery, Alabama 36104

Purdue Pharma, L.P.

Lori A. Schechter
MORRISON & FOERSTER LLP
425 Market Street
San Francisco, California 94105-2482

Harlan Prater
LIGHTFOOT, FRANKLIN & WHITE L.L.C.
The Clark Building
400 20th Street North
Birmingham, Alabama 35203-3200

Roche Laboratories, Inc.

Mr. Myron Z. Holubiak, President
340 Kingland Street
Building 115-4
Nutley, New Jersey 07110-1199

Sandoz, Inc.

Wayne Cross
Michael Gallagher
Brendan Woodard
WHITE & CASE
1155 Avenue of the Americas
New York, New York 10036-2787

C. Clay Torbert, III
CAPELL & HOWARD, P.C.
150 South Perry Street
Montgomery, Alabama 36104

Sanofi-Synthelabo, Inc.

Grace Rodriguez
Ann Malekzadeh
Kevin Sullivan
KING & SPALDING LLP
1730 Pennsylvania Avenue, N.W.
Washington, DC 20006-4706

Richard H. Gill
COPELAND, FRANCO, SCREWS
& GILL, P.A.
Post Office Box 347
Montgomery, Alabama 36101-0347

**Schering-Plough Corporation
Warrick Pharmaceuticals Corporation**

Brien O' Connor
Eric Christofferson
Steven A. Kaufman
ROPES & GRAY LLP
One International Place
Boston, MA 02110

John A. Henig, Jr.
COPELAND, FRANCO, SCREWS
& GILL, P.A.
Post Office Box 347
Montgomery, Alabama 36101-0347

SmithKline Beecham Corporation
d/b/a GlaxoSmithKline
Mark Lynch
Ronald G. Done, Jr.
COVINGTON & BURLING
1201 Pennsylvania Avenue, N.W.
Washington, DC 20004

Frederick Herold
DECHERT LLP
975 Page Mill Road
Palo Alto, California 94304-1013

Geoffrey Hobart
HOLLAND & KNIGHT, LLP
10 St. James Avenue
Boston, MA 02116

Joseph P. Babington
HELMSING LEACH HERLONG
NEWMAN & ROUSE
150 Government Street, Suite 2000
Mobile, Alabama 36602

Takeda Pharmaceuticals North America, Inc.
Robert Stauffer
Anthony C. Porcelli
JENNER & BLOCK LLP
1 IBM Plaza, Suite 4200
Chicago, Illinois 60611

Joseph C. Espy, III
MELTON, ESPY & WILLIAMS
Post Office Drawer 5130
Montgomery, Alabama 36103

TAP Pharmaceutical Products, Inc.

Tina Tabacchi
Lee Ann Russo
JONES DAY
77 West Wacker Drive, Suite 3500
Chicago, Illinois 60601

Joe Savage
TESTS, HURWITZ & THIBEAULT LLP
125 High Street
Boston, MA 02110

Betsy Collins
Leah Ponter
ALSTON & BIRD LLP
One Atlantic Center
1201 West Peachtree Street
Atlanta, Georgia 30309-3424

Watson Laboratories, Inc.
Watson Pharmaceuticals, Inc.
Watson Pharma, Inc.

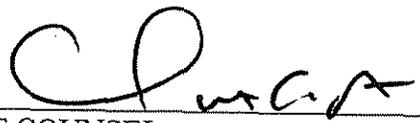
Douglas Farquhar
HYMAN PHELPS & MCNAMARA, P.C.
700 Thirteenth Street, N.W., Suite 1200
Washington, DC 20005

Steven F. Casey
BALCH & BINGHAM LLP
Post Office Box 306
Birmingham, Alabama 35201-0306

Wyeth, Inc.
Wyeth Pharmaceuticals, Inc.
Craig Holden
Kelly Davidson
OBER, KALER, GRIMES & SHRIVER
120 East Baltimore Street
Baltimore, Maryland 21202-1643

Maibeth J. Porter
Lee E. Bains, Jr.
MAYNARD, COOPER & GALE, P.C.
2400 AmSouth/Harbert Plaza
1901 Sixth Avenue North
Birmingham, Alabama 35203-2618

Peck Fox
MAYNARD, COOPER & GALE, P.C.
201 Monroe Street, Suite 1650
Montgomery, Alabama 36104-3720


OF COUNSEL