

COMMONWEALTH OF KENTUCKY
FRANKLIN CIRCUIT COURT
DIVISION II
CIVIL ACTION NO. 03-CI-01134

COMMONWEALTH OF KENTUCKY,
ex. rel. GREGORY D. STUMBO, ATTORNEY GENERAL

PLAINTIFF

v.

ABBOTT LABORATORIES, INC.

DEFENDANT

**FIRST REQUEST FOR PRODUCTION OF DOCUMENTS OF DEFENDANT
ABBOTT LABORATORIES, INC. TO THE COMMONWEALTH OF KENTUCKY**

Defendant Abbott Laboratories, Inc. ("Abbott") hereby requests, pursuant to CR 34, that Plaintiff Commonwealth of Kentucky ("Plaintiff") respond to the following requests for production of documents and produce for inspection and copying by Defendant the Documents described below on or before September 15, 2004. Defendant requests that the production of Documents requested herein be made in accordance with the Definitions and Instructions set forth below, and that the production take place at the offices of Reed Weitkamp Schell & Vice PLLC, 500 West Jefferson Street, Suite 2400, Louisville, Kentucky 40202, or at such other place as may be agreed upon by counsel.

DEFINITIONS

The terms used in these Requests are defined as follows:

1. "Person" shall mean any individual, corporation, partnership, proprietorship, association, organization, governmental entity, group of persons or any other entity of whatever nature.
2. "Document" shall be defined to the broadest extent permitted by CR 34 and shall mean and refer to any kind of tangible material, whether written, recorded, microfilmed, microfiched, photographed, computerized, reduced to an electronic or magnetic impulse, or

otherwise preserved or rendered, and including, but not limited to, papers, agreements, contracts, notes, memoranda, electronic or computer-transmitted messages viewed via monitor, correspondence, letters, e-mail, facsimile transmissions, statements, invoices, record books, reports, studies, analyses, minutes, working papers, charts, graphs, drawings, calendars, appointment books, diaries, indices, tapes, summaries and/or notes regarding telephone conversations, personal conversations, interviews, and meetings, and any and all other written, printed, recorded, taped, typed, duplicated, reproduced or other tangible matter in Your possession, custody or control, including all copies which are not identical to the originals, such as those bearing marginal comments, alterations, notes, or other notations not present on the original Document as originally typed, written, or otherwise prepared.

3. "Communication" shall mean any form of written or oral communication, including, without limitation, letters, memoranda, electronic mail, voicemail, telegrams, invoices, telephone conversations, face-to-face meetings and other similar forms of communication or correspondence.

4. "Concern" and "Concerning" mean referring to, relating to, regarding, constituting, comprising, containing, setting forth, summarizing, reflecting, stating, describing, recording, noting, embodying, mentioning, studying, analyzing, evidencing, discussing or evaluating, directly or indirectly.

5. "You," "Your," "Plaintiff" or the "Commonwealth" refer collectively to Plaintiff Commonwealth of Kentucky, including but not limited to the Kentucky Cabinet for Health Services, the office of the Attorney General, the Office of the Inspector General, the Department for Medicaid Services, the Office of the Ombudsman, Drug Management Review Advisory Board, Drug Technical Advisory Committee, Pharmacy and Therapeutics Advisory Committee, the Kentucky Board of Pharmacy, the Legislative Research Commission, officials, agents, employees,

commissions, boards, divisions, departments, agencies, instrumentalities, administrators and other persons or entities acting on its behalf.

6. "Kentucky Medicaid" shall refer to the Commonwealth of Kentucky's Medicaid program.

7. "Medicare" shall refer to the Federal Medicare program.

8. "Complaint" means the Amended Complaint filed by You on October 14, 2003.

9. "Abbott" or "Defendant" means Abbott Laboratories, Inc., along with any predecessor or successor corporation, and any of its past or present officials, officers, representatives, agents, assigns, attorneys, employees, divisions, departments, agencies, affiliates, subsidiaries, and all other persons or entities acting or purporting to act on its behalf or under its control.

10. "Manufacturer" means a company that manufactures pharmaceutical products.

11. "Provider" means any entity or physician that provides health care to any Participant or Beneficiary.

12. "Subject Drugs" means the products listed in Exhibit 1 of the Complaint and all additional drugs, if any, regarding which You contend that Abbott is liable. Subject Drugs, as used herein, also means those forms of Subject Drugs manufactured by Manufacturers other than Abbott.

13. "Publisher" or "Publishers" refers to any pharmaceutical price reporting/publishing service, including, but not limited to, First Data Bank or Blue Book, Medical Economics Co., Inc. or Red Book, and Medispan.

14. "EAC" or "Estimated Acquisition Cost" shall have the meaning ascribed to that term pursuant to 42 C.F.R. § 447.301.

15. "CMS" refers to the federal Centers for Medicare and Medicaid Services, including its agents, employees, commissioners and anyone else acting on its behalf.
16. "HCFA" refers to the United States Healthcare Financing Administration, including its agents, employees, commissioners and anyone else acting on its behalf.
17. "HHS" refers to the United States Department of Health and Human Services, including its agents, employees, commissioners and anyone else acting on its behalf.
18. "Federal Agencies" shall refer to each or any of CMS, HCFA or HHS.
19. "Best Price" shall have the meaning set forth in 42 U.S.C. § 1396r-8(c)(1)(C).
20. "AMP" means "Average Manufacturer Price" and shall have the meaning set forth in 42 U.S.C. § 1396r-8(k)(1).
21. "MAC" or "Maximum Allowable Cost" shall have the meaning ascribed to that term pursuant to 42 C.F.R. § 50.504 or any analogous state statute or regulation.
22. "FUL" means "Federal Upper Limit" and shall have the meaning ascribed to that term pursuant to 42 C.F.R. § 447.332.
23. "Participant" and "Beneficiary" mean a Person for whom You provide health care or health insurance via any program.
24. "PBM" means pharmacy benefits manager.
25. "Benefit Consultant" means any person or entity that provides information, counsel and/or advice to You regarding any medical benefit and/or service provided by You to any Participant or Beneficiary.
26. "Third Party Administrator" means any entity that provides administrative services to You relating to any medical benefit provided to any Participant or Beneficiary.

27. "340B Provider" means any provider described in Section 340B of the Public Health Act, 42 U.S.C. § 256(b).

28. "AWP" means average wholesale price.

29. "NDC" means national drug code.

GENERAL INSTRUCTIONS

1. Each paragraph below shall operate and be construed independently and, unless otherwise indicated, no paragraph limits the scope of any other paragraph.

2. The Documents produced for inspection shall be produced as they are kept in the usual course of business or shall be organized and labeled to correspond with the paragraphs set forth below.

3. Provide the following information for each Document withheld on the basis of an assertion of privilege, work product or other immunity from production: (a) its date; (b) its title; (c) its author; (d) its addressee; (e) the identity of each Person who received or saw the original or any copy of such Document; (f) the claim of privilege under which it is withheld; (g) its general subject matter; (h) its present custodian; and (i) a description of the Document that You would consider adequate to support Your contention that it is privileged.

4. You are requested to produce the original and all non-identical copies, including all drafts, of each Document requested. If You are not able to produce the original of any Document, please produce the best available copy and all non-identical copies, including drafts.

5. In providing Your responses and Documents, You are requested to furnish all information and Documents available to You, including information and Documents in possession of Your present and former attorney(s), agent(s), and Person(s) acting on Your behalf, not merely such information and Documents known to You of Your own personal knowledge.

6. If any Document described in these requests was, but no longer is, in Your possession, or subject to Your custody or control, or in existence, state whether: (a) it is missing or lost; (b) it has been destroyed; (c) it has been transferred, voluntarily or involuntarily, to others; or (d) it has been disposed of otherwise. In each instance, explain the circumstances surrounding such disposition and the date thereof. In addition, identify each such Document by listing its date, author or sender, all addressees or recipients, type of Document (e.g., letter, memorandum, telegram, chart, photograph, etc.), subject matter, present location and custodian, and state whether the Document or copies are still in existence.

7. The singular is meant to include the plural and vice versa.

8. The terms "and" and "or" have both conjunctive and disjunctive meanings, and the terms "each," "any," and "all" mean "each and every."

9. The present tense includes the past and future tenses.

10. These requests are continuing in nature so as to require You to serve a supplemental response and/or production, pursuant to CR 26.05, in the event You obtain or discover any additional, further, or different information or Documents after the production of the Documents or things requested herein.

11. Unless otherwise specified, these requests seek Documents prepared on or after January 1, 1993 to the present time.

REQUEST FOR DOCUMENTS TO BE PRODUCED

1. All Documents mentioned in or referred to in preparing Your response to Abbott's First Set of Interrogatories.

2. All Documents that support, contradict or otherwise relate to the allegations in the Complaint.

3. All Documents produced by You and all interrogatory responses made by You in *Commonwealth of Kentucky ex rel. Gregory D. Stumbo, Attorney General v. Warrick Pharmaceuticals Corporation, Schering-Plough Corporation, Schering Corporation and Dey, Inc.*, Civil Action No. 03-CI-1135, pending in the Franklin Circuit Court, Division II.

4. All Documents concerning any external or internal audit, review, report, study, statistical sampling or analysis performed by or for You, including but not limited to reports prepared by Myers and Stauffer, concerning Medicaid reimbursement for prescription drugs or for professional services associated with the dispensing or administration of prescription drugs, including:

- (a) The audit, review, report, study, sampling or analysis, and all drafts thereof;
- (b) Contracts and correspondence with external parties conducting any such audit, review, report, study, sampling or analysis;
- (c) Internal memoranda related to the audit, review, report, study, sampling or analysis; and
- (d) Documents sufficient to identify all Persons participating in the creation of or having access to any assessments, studies, analyses, reviews or audits regarding the Kentucky Medicaid program.

5. All Documents received from or provided to a Federal Agency, the General Accounting Office or Congress, concerning AWP, Medicaid or Medicare reimbursement for prescription drugs, or Medicaid or Medicare reimbursement for professional services associated with the dispensing or administration of prescription drugs.

6. All Documents concerning the meaning of AWP, WAC, AMP, MAC, EAC, FUL, or Best Price.

7. All Documents discussing the AWP, WAC, AMP, MAC, EAC, FUL, Best Price, Provider acquisition cost, or any other drug pricing information for any drug, including, but not limited to, the Subject Drugs.
8. All Documents received from any source, including but not limited to Publishers, Manufacturers, the National Association of Medicaid Fraud Control Units, the United States Department of Justice, agencies of other State governments, Federal Agencies, Providers or 340B Providers, concerning or referring to AWP or pricing for the Subject Drugs.
9. All Documents concerning any requests by You for information concerning the pricing of prescription drugs.
10. All Documents reflecting or relating to the establishment of a MAC for any of the Subject Drugs, including but not limited to any MAC lists for the Subject Drugs.
11. All Documents that reflect or concern the relationship between AWP and prices at which Providers purchase drugs.
12. All Documents that concern the decision to use or not use AWP, WAC, AMP, MAC, EAC, FUL, and/or Best Price in connection with the reimbursement of Providers under Medicare or any State Medicaid program.
13. All Documents that concern the decision to use a discount off AWP in determining Medicare or Medicaid reimbursement.
14. All Documents that concern the method by which Kentucky Medicaid reimburses 340B Providers for supplying or administering drugs to Medicaid beneficiaries, including all documents discussing why Kentucky Medicaid reimburses 340B Providers in a manner different from other Providers.

15. All Documents reflecting reimbursement of 340B Providers for dispensing or providing Subject Drugs to Medicaid Beneficiaries, and reflecting how such reimbursements are determined.

16. All Documents concerning whether the use of a reimbursement formula based upon AWP can serve as a means of subsidizing, or as a means of offsetting perceived or asserted under-reimbursement for, drug dispensing or other medical services, procedures, or equipment.

17. All Documents reflecting how You determined and calculated reimbursement amounts, including, but not limited to, guidelines, manuals, instructions, computer systems, programs and databases.

18. All Documents which tend to support or contradict the allegation in paragraph 1 of the Complaint that “Defendant has engaged in fraudulent, unfair, false, misleading and deceptive acts and practices in the pricing and marketing of its prescription drug products.”

19. All Documents which tend to support or contradict the allegation in paragraph 18 of the Complaint that “Defendant knowingly, willfully and intentionally provided false and inflated AWP and other pricing information for its drugs.”

20. All Documents which tend to support or contradict the allegations in the Complaint that Abbott reported AWP to Publishers.

21. All Documents which tend to support or contradict the allegation in paragraph 28 of the Complaint that “Defendant knowingly, willfully, and intentionally created a ‘spread’ on its drugs, and marketed the ‘spread’ with the intent of inducing Kentucky Medicaid providers to purchase and prescribe its drugs rather than competitors’ drugs.”

22. All Documents which tend to support or contradict the allegation in paragraphs 28 of the Complaint that the alleged creation and marketing of the “spread” increased “the market share and profits of the Defendant.”

23. All Documents which reflect how You “relied upon the AWP and other pricing information provided by the Defendant,” as alleged in paragraph 21 of the Complaint.

24. All Documents which tend to support or contradict the allegation in paragraph 22 of the Complaint that “Defendant was aware that Kentucky Medicaid and Medicare, Part B beneficiaries relied upon the Defendant’s AWP and other pricing information.”

25. All Documents which tend to support or contradict the allegation in paragraph 19 of the Complaint that “First Data Bank Inc., a/k/a Blue Book, Medical Economics Co., Inc., a/k/a Red Book, and Medispan do not independently determine the Defendant’s drug AWP information.”

26. All Documents which tend to support or contradict the allegation in paragraph 32 of the Complaint that Defendant’s alleged actions “resulted in the Commonwealth of Kentucky paying millions of dollars in excess Medicaid payments, while at the same time enriching the Defendant with excessive, unjust and illegal profits.”

27. All Documents which tend to support or contradict the allegation in paragraph 33 of the Complaint that Defendant’s alleged actions “resulted in Kentucky’s Medicare, Part B beneficiaries . . . paying excessive co-payments for covered drugs.”

28. All Documents which tend to support or contradict the allegation in paragraph 34 of the Complaint that Defendant engaged in “creating and reporting false and inflated AWP pricing information for its drugs.”

29. All Documents which tend to support or contradict the allegation in paragraph 44 of the Complaint that Defendant engaged “in a scheme to falsify the true AWP of its drugs.”

30. All Documents which tend to support or contradict the allegation in paragraph 34 of the Complaint that Defendant's alleged actions "in some cases have caused the 20% co-payment paid by Kentucky Medicare, Part B beneficiaries to exceed the total actual cost of the drug to the provider."

31. All Documents which tend to support or contradict the allegation in paragraph 50 of the Complaint that Defendant "knowingly and willfully report[ed] false, misleading and inflated AWP pricing information on its drug products to national reporting services, while at the same time concealing actual AWP pricing information. The reporting services in turn published the Defendant's AWP information to substantial numbers of persons, including, but not limited to, the Kentucky Medicaid program, in connection with promotion of the sale of or to increase the consumption of Defendant's prescription drugs," including all Documents distributed by any Publisher which You contend support this allegation.

32. All Documents which tend to support or contradict the allegation in paragraph 71 of the Complaint that Defendant "represented it was providing true AWP or other pricing information concerning its drugs to national pharmaceutical reporting services with knowledge or reasonable expectation that the false representations would be relied upon by (a) the Kentucky Medicaid program and, (b) Medicare, Part B beneficiaries," including all Documents distributed by any Publisher which You contend support this allegation.

33. All Documents which tend to support or contradict the allegation in paragraph 25 of the Complaint that "Defendant's false and inflated reporting of AWP or other drug pricing information greatly exceeded the actual prices at which the Defendant and/or other sellers sold Defendant's drugs to Kentucky Medicaid providers."

34. All Documents which tend to support or contradict the allegation in paragraph 26 of the Complaint that “the Defendant’s reported AWP bears no relation to any price, much less an average wholesale price.”

35. All Documents which tend to support or contradict the allegation in paragraph 29 of the Complaint that “the Defendant manipulated and controlled the size of the ‘spread’ on its drugs by increasing its reported AWP and other pricing information, while decreasing its actual sale price to wholesalers and providers over time,” including any Documents which show that the AWPs were generated solely for the purpose of a fraudulent scheme.

36. All Documents which reflect the “true AWPs” of the Subject Drugs, including but not limited to all documents that show how such “true AWPs” were calculated, as alleged in paragraph 24 of the Complaint, including all Documents which contain a definition of the term “AWP.”

37. All Documents which reflect the losses, damages, or alleged overpayments made by You as a result of Abbott’s alleged conduct.

38. All Documents reflecting reimbursement paid to Providers by Kentucky Medicaid for Subject Drugs, including both drug ingredient reimbursement based on AWP and reimbursement for professional services associated with dispensing or administering Subject Drugs.

39. All Documents that reflect any supplemental or additional rebates (*i.e.*, a rebate other than provided for under 42 U.S.C. § 1396r-8) requested or received from any Manufacturer, including any legislative or regulatory proposals regarding supplemental or additional rebates from any Manufacturer.

40. All Documents reflecting the units of Subject Drugs dispensed by Providers to Kentucky Medicaid beneficiaries who received reimbursement.

41. Documents sufficient to identify all Persons employed by or for You who participated in the consideration, determination, calculation or setting of reimbursement amounts or rates for prescription drugs during the relevant period, including all directors of Kentucky Medicaid during the relevant period, as well as the identity of all employees of Kentucky Medicaid and/or any other Kentucky agency, board or commission involved or in any way responsible for the administration or oversight of the Kentucky Medicaid program from January 1, 1993 to the present.

42. All Documents concerning legal or legislative hearings in which the term AWP was discussed.

43. All Documents concerning legal or legislative hearings concerning Medicaid or Medicare reimbursement for prescription drugs or for professional services associated with dispensing or administering prescription drugs.

44. Documents sufficient to identify all Persons involved or in any way responsible for the processing of payment of prescription drug reimbursement claims by You during the relevant period.

45. All Documents concerning or constituting contracts, memoranda of understanding, or agreements concerning the processing of Kentucky reimbursement claims for the Subject Drugs, including but not limited to contracts or arrangements concerning data processing and third party administration of claims.

46. All Documents concerning the tracking of Kentucky drug reimbursement claims for the Subject Drugs.

47. All fee schedules for the Subject Drugs compiled by You or on your behalf.

48. All Documents concerning statutes, rules, regulations, policies, guidelines and interpretations and opinions concerning reimbursement for prescription drugs by Medicaid and by all other health benefits programs of the Commonwealth.

49. All Documents relating to the payment of any rebates or supplemental rebates for the Subject Drugs, including but not limited to the following:

(a) All Communications between You and the federal government relating to utilization and "per-unit" rebate data;

(b) All Communications between You and the Defendant concerning the computation or payment of rebates or supplemental rebates for the Subject Drugs;

(c) All memoranda, analyses or other Documents in Your possession concerning the payment of rebates or supplemental rebates for the Subject Drugs;

(d) Documents exchanged by and between You and any Manufacturer, including Defendant, concerning the payment of rebates or supplemental rebates under the federal Medicaid program;

(e) Documents reflecting or concerning Your request made to any Manufacturer for the payment of supplemental, additional, or increased rebates, including Documents which reflect a demand for additional rebates as a condition to continued reimbursement of drugs manufactured by any Manufacturer, including Defendant; and

(f) Invoices for the payment of any rebates or supplemental rebates sent to Defendant for the Subject Drugs and all Documents concerning payment of such invoices.

50. All Documents reflecting or constituting Communications between You and any Publisher.

51. All Documents either provided to You by a Publisher or provided by a Publisher to you.

52. All Documents consisting of or concerning the sources of AWP's used or not used by Kentucky Medicaid.

53. All Documents that reflect any interaction between You and any Providers concerning the Subject Drugs, including, but not limited to, the following:

- (a) Documents concerning the claims submitted to You by Providers concerning the Subject Drugs;
- (b) Documents that show the amounts paid by You to each Provider on account of each claim;
- (c) Documents that reflect the name and address of each Provider eligible to submit claims to the Agencies concerning the Subject Drugs during the relevant time period;
- (d) All Documents sufficient to establish that Providers who actually received any alleged "overpayments" from You were eligible to receive those payments;
- (e) All Documents which reflect the drugs eligible for reimbursement by the Agencies; and/or
- (f) Documents concerning any action, administrative or otherwise, to recover the alleged "overpayments" from the Providers who actually received the alleged "overpaid" amounts for drug reimbursement.

54. All Documents reflecting any Communication with Abbott, including all documents received from or sent to Abbott by You, regarding the Subject Drugs or the term AWP.

55. Such Documents as will show whether You ever questioned or complained to any pharmaceutical Manufacturer that the Manufacturer had failed to report prices for its products accurately, including, but not limited to, written Documentation of the complaint or question, as well as all Documents which refer or relate to decisions made by You whether to question or complain that a pharmaceutical Manufacturer had failed to report prices for its products accurately, including, but not limited to, Documents which discuss the need, or absence of need, for such decision.

56. All Documents sent or received by You concerning prescription drug reimbursement methodology under Kentucky Medicaid or Medicare or commenting upon the methodology used by You for prescription drug reimbursement, including, but not limited to, the following:

(a) All articles, seminar papers and other publications that address and/or deal with any of the following subjects: Kentucky Medicaid, pricing, costs, Medicare, reimbursement in state drug programs and/or rebates that You have in Your files and to which agents, servants, employees, and officers of the Commonwealth would have had access;

(b) All Documents concerning any change (whether proposed or adopted) to the reimbursement amounts or rates applicable to the prescription drugs under any program, including Documents effecting the reason for such change;

(c) All Documents concerning comments received during a "notice and comment" period, or at any other time, regarding how Kentucky Medicaid reimburses for prescription drugs or for professional services associated with the dispensing or administration of prescription drugs.

(d) All Documents concerning any alternative reimbursement formula or formulas for prescription drugs considered, reviewed or studied by You.

57. All Documents concerning any direct pricing agreements or other purchasing programs concerning any prescription drugs, including, but not limited to, the following:

(a) All Documents relating to any contracts between You and a PBM, including, but not limited to, all "Request(s) for Proposal" or similar Documents issued by You regarding any prescription drug program services and/or any PBM services, and all responses to those Request(s) for Proposal;

(b) All Communications exchanged by and between You and any Provider, any Benefit Consultant, or any Third Party Administrator regarding reimbursement for prescription drugs under any program administered by You;

(c) All work papers, contracts and other Documents relating to any intermediary involved in the Kentucky Medicaid program concerning the Subject Drugs or the subject matter of the Complaint;

(d) All work papers, contracts and other Documents relating to any negotiations or Persons who negotiated on behalf of You with any Manufacturer concerning prices for or reimbursement of any prescription drugs;

(e) All Documents concerning any negotiations by or on behalf of You with any pharmaceutical manufacturer concerning reimbursement of prescription drugs;

(f) Documents constituting or concerning prescription drug vendor contracts, other contracts, memoranda of understanding, and/or agreements between You and pharmacies or other Providers relating to the provision of or payment for the Subject Drugs; and

(g) Documents constituting or concerning vendor contracts relating to the processing of Kentucky Medicaid drug reimbursement claims including but not limited to contracts or arrangements concerning data processing and third party administration of claims.

58. All Documents which concern Your decision to include drugs manufactured by Defendant on the Kentucky formulary, including, but not limited to the following:

(a) All Documents which concern the exclusion or proposed exclusion of any drug manufactured by Defendant from the Kentucky formulary; and

(b) All Documents concerning any efforts by You to encourage use of generic prescription drugs instead of brand-name prescription drugs in Kentucky.

59. All Documents concerning the market shares in Kentucky of each and every Manufacturer of each of the Subject Drugs.

60. All Documents concerning cost control measures regarding prescription drugs considered in connection with the Kentucky Medicaid program, including all agendas, minutes, or notes of meetings at which cost control measures regarding prescription drugs for the Kentucky Medicaid program were discussed, as well as all data, reports, testimony, analyses, or audits that formed the basis for any decision You made to adopt or reject any cost control measures for the Kentucky Medicaid program.

61. All Documents concerning any cooperative efforts with any other State, including, but not limited to, Mississippi, Missouri, Louisiana, New Mexico, Ohio, Pennsylvania, South Carolina and West Virginia, to reduce the cost of prescription drugs in Kentucky.

62. All Documents concerning any application for federal funds in connection with the Kentucky Medicaid program made by You, including all reports made by You to HCFA, HHS, CMS, or any other federal institution, agency, department, or office, or to the Governor of Kentucky, the Legislative Research Commission, or any other Kentucky agency, board or commission, regarding prescription drug reimbursement under the Kentucky Medicaid program.

63. All Documents concerning the operation of the Kentucky Medicaid program from January 1, 1993 to present, including, but not limited to, the following:

(a) Any operating plan or related Documents concerning the Kentucky Medicaid program, including, but not limited to, all Kentucky Medicaid Program Instructions issued by You from January 1, 1993 to the present;

(b) All audits conducted of the records of the Kentucky Medicaid program from January 1, 1993 to the present relating to pharmaceutical reimbursement;

(c) All audits conducted of pharmacies or other Providers of the Subject Drugs performed by You or on Your behalf;

(d) Documents sufficient to show how much money You reimbursed to pharmacies or other Providers for each of the Subject Drugs on a quarterly basis from January 1, 1993 to the present;

(e) Documents, databases and/or computer systems or programs used by Kentucky Medicaid and/or any other Kentucky agency to calculate, monitor, process and/or pay reimbursement claims for the Subject Drugs including, but not limited to, Documents reflecting the identity of all employees having access to such Documents, databases, systems or programs;

(f) Written "Assurances" or similar Documents filed with or submitted to the federal government concerning the Kentucky Medicaid program from January 1, 1993 to the present;

(g) All Documents concerning Kentucky's "state plan for medical assistance," adopted pursuant to 42 U.S.C. § 1396(a), including any Documents which concern proposed or adopted changes or amendments to such plan and any Documents sufficient to Identify all persons who participated in the creation or adoption of any Kentucky "state plan for medical assistance," or any proposed or adopted amendments thereto; and

(h) All Documents, including, but not limited to, Communications, concerning any consultations between You and any "medical care advisory committee" (42 C.F.R. § 431.12(b)), in which AWP, AMP, MAC, EAC, Best Price, or other drug pricing information is mentioned, including Documents sufficient to Identify all persons who participated in or communicated with any Kentucky "medical care advisory committee."

64. All Documents concerning any lobbying efforts by pharmacies, pharmacists, other Providers, professional or trade groups (including the Kentucky Pharmacists Association), patients' rights groups, law firm, lobbying firm, or any other non-government organization, relating to

Medicaid or Medicare reimbursement of prescription drugs or reimbursement for professional services associated with the dispensing or administration of prescription drugs.

65. All Documents concerning a Communication with a pharmacy, a pharmacist, any other Provider, a professional or trade group (including the Kentucky Pharmacists Association), a patients' rights group, law firm, lobbying firm, or any other or any other non-government organization, related to Medicaid or Medicare reimbursement of prescription drugs or reimbursement for professional services associated with the dispensing or administration of prescription drugs.

66. All Documents identifying the Kentucky Medicare Beneficiaries on whose behalf You filed the Complaint.

67. All Documents concerning Communications with the National Association of Medicaid Fraud Control Units ("NAMFCU") or the National Association of Attorneys General ("NAAG") concerning Medicaid reimbursement for prescription drugs or AWP, including but not limited to documents given to or received from the NAMFCU or NAAG.

68. All Documents concerning Communications with the United States Department of Justice ("DOJ") concerning Medicaid reimbursement for prescription drugs or AWP, including but not limited to documents given to or received from the DOJ.

69. All documents relating to your to decision to use or not use the AWPs recommended by the United States Department of Justice, the National Association of Attorneys General or National Association of Medicaid Fraud Control Units.

70. All documents sufficient to describe the operations and drug reimbursement methodology of all prescription drug benefit programs of any Kentucky agencies or departments, including but not limited to any agencies or departments that insure employees of Kentucky.

71. All Documents concerning Medicaid reimbursement for prescription drugs by States other than Kentucky.

72. All Documents concerning Ven-A-Care of the Florida Keys, Inc. ("Ven-A-Care"), including, but not limited to, any presentations made by Ven-A-Care to You or to the National Association of Attorneys General or to the National Association of Medicaid Fraud Control Units, any consulting or other agreements between You and Ven-A-Care and/or any documents received by Ven-A-Care that relate to Abbott or the Subject Drugs.

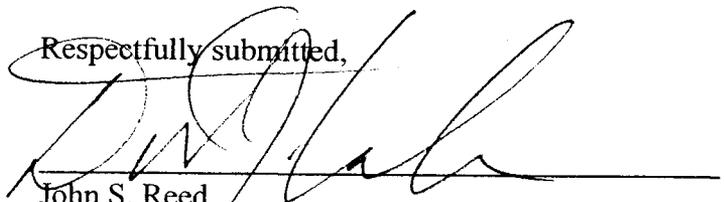
73. All documents concerning any settlements with a pharmaceutical manufacturer relating to the pricing of prescription drugs.

74. All Documents concerning, relating to, or describing any Document retention or destruction policy in effect for any of Your agencies that possess Documents responsive to these Requests, and all Documents relating to such policy(ies), including any changes to such policy(ies).

75. Organizational charts for all agencies of the Commonwealth responsible for Medicaid prescription drug reimbursement or for reimbursement of professional services associated with the dispensing and administration of prescription drugs.

Dated 9-2, 2004

Respectfully submitted,



John S. Reed

David J. Hale

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CERTIFICATE OF SERVICE

This will certify that a true and correct copy of the foregoing was served by first-class mail, postage prepaid, to the following on August 2, 2004.

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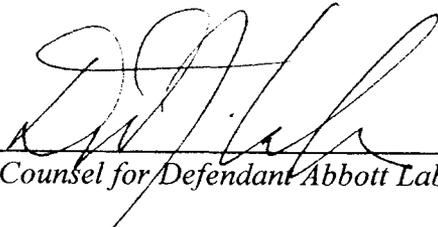
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