

COMMONWEALTH OF KENTUCKY
FRANKLIN CIRCUIT COURT
CIVIL ACTION NO. 03-CI-1135
DIVISION II

RECEIVED NOV 15 2004

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

PLAINTIFF

v.

WARRICK PHARMACEUTICALS CORPORATION,
SCHERING-PLOUGH CORPORATION,
SCHERING CORPORATION,
DEY, INC.

DEFENDANTS

**RESPONSE OF DEFENDANTS WARRICK PHARMACEUTICALS CORP.,
SCHERING-PLOUGH CORP. AND SCHERING CORP. TO
PLAINTIFF'S FIRST SET OF INTERROGATORIES**

Pursuant to the Kentucky Rules of Civil Procedure, Warrick Pharmaceuticals Corporation ("Warrick"), Schering-Plough Corporation ("Schering-Plough") and Schering Corporation ("Schering") (collectively "Respondent"), by and through their undersigned counsel, respond to Plaintiff's First Set of Interrogatories ("Interrogatories") as follows:

GENERAL OBJECTIONS

1. Respondent provides this response without waiver of or prejudice to its right, at any later time, to raise objections to: (a) the relevance, materiality, or admissibility of (i) the Interrogatories or any part thereof, (ii) statements made in this response to the Interrogatories or any part thereof, or (iii) any information produced pursuant to this response; or (b) any further demand for discovery involving or relating to the matters raised in the Interrogatories.

2. Respondent objects to the Interrogatories to the extent that they demand information covered by the attorney-client privilege, the work product doctrine, third-party confidentiality agreements or protective orders, or any other applicable privilege, immunity or protection. In the event any information subject to a privilege, immunity or protection is produced or otherwise revealed by Respondent, its production is inadvertent and does not constitute a waiver of any privilege, immunity or protection.

3. Respondent objects to the Interrogatories to the extent that they call upon Respondent for, and/or to reveal, legal conclusions to Plaintiff. Respondent's responses shall not be deemed to constitute admissions that any statement or characterization in the Interrogatories is accurate or complete.

4. Respondent has not completed its investigation and discovery relating to this case. The specific responses set forth below and any information provided pursuant to the responses are based upon, and necessarily limited by, information now available to Respondent. Respondent reserves the right, at any time, to revise, correct, and to supplement, modify, or clarify the specific responses set forth below or the information disclosed therein. By this reservation, Respondent does not, however, assume a continuing responsibility to update its responses beyond the requirements of the Kentucky Rules of Civil Procedure and the local rules of this Court, and it objects to the Interrogatories to the extent they seek to impose any such continuing obligation.

5. Respondent undertakes to answer the Interrogatories only to the extent required by the Kentucky Rules of Civil Procedure, the local rules of this Court, and other applicable law (collectively, "Rules"), and Respondent objects to the Interrogatories to the extent that they purport to exceed, expand upon or conflict with those Rules. For

example, and without limitation, Respondent objects to Plaintiff's "definitions" and "instructions" and to any other preliminary statements to the extent Plaintiff intends to expand upon or alter the Rules. Respondent further objects to the definitions of "Document," "You," "Your," and "Your Company" as set forth in Definition Nos. 15 and 34 and to Instruction Nos. 1-8, to the extent they seek to impose discovery obligations that are broader than, or inconsistent with, Respondent's obligations under the Rules.

7. Respondent objects to each of the interrogatories and to Instruction No. 6 (i) to the extent they call for information generated after September 15, 2003, the date this action was commenced, or (ii) to the extent they call for information pertaining to any time before September 15, 1998, given that the longest limitations period applicable to any of Plaintiff's claims is 5 years; because the Requests are to this extent overly broad and unduly burdensome, and seek information that is not relevant to the subject matter involved in the pending action, including the claim or defense of any party in this litigation, and not reasonably calculated to lead to the discovery of admissible evidence. Except as specifically stated below, and subject to and without waiving any objection, Respondent's responses herein shall be limited to the period between September 15, 1998 and September 15, 2003.

8. Respondent objects to the extent that the Interrogatories are directed (as set forth in Definition No. 32) to each of Warrick's, Schering's and Schering-Plough's "domestic or foreign parents, and any other affiliated company, subsidiary, division, joint venture or other Entity having at least 10% ownership interest in [Respondent]; [Respondent's] agents, independent contractors, directors, employees, officers, and representatives; and merged, consolidated or acquired predecessors; and any other person

or Entity acting on behalf of [Respondent].” Respondent asserts that Definition No. 32 is overly broad, unduly burdensome and seeks information that is not relevant to the subject matter involved in the pending action, including the claim or defense of any party in this litigation, and not reasonably calculated to lead to the discovery of admissible evidence because, *inter alia*, all of the Subject Drugs are Warrick products. Schering-Plough is the parent corporation of Schering, a wholly-owned subsidiary and Warrick, a second-tier subsidiary. For this reason, the collective substantive answers of Respondent (furnished below subject to and without waiver of any objection) concern Warrick, and Respondent’s answers herein are based on a reasonable inquiry and investigation for responsive information generated by Warrick’s home office and its sales representatives.

9. Respondent objects to producing information relating to the defined term AMP (Definition No. 4) as such information is not relevant to the subject matter involved in the pending action, including the claim or defense of any party in this litigation, and not reasonably calculated to lead to the discovery of admissible evidence. Specifically, Plaintiff has asserted a claim based upon the Medicaid reimbursement system it established, which is wholly unrelated to any AMPs that would otherwise be reported pursuant to the federal statute. Respondent further objects to this Definition to the extent that it is broader than the definition provided to this term by federal statute.

10. Respondent objects to producing information relating to the defined term ASP (Definition No. 5) as such information is not relevant to the subject matter involved in the pending action, including the claim or defense of any party in this litigation, and not reasonably calculated to lead to the discovery of admissible evidence. Specifically, Plaintiff has asserted a claim based upon the Medicaid reimbursement system it

established, which is wholly unrelated to any ASPs that Respondent might otherwise report. Respondent further objects to this Definition to the extent that it is broader than the definition provided to this term by federal statute.

11. Respondent objects to the definition of “DP” to the extent that it purports to encompass anything other than the direct net price for any pharmaceutical.

12. Respondent objects to the definition of “Incentive” set forth in Definition No. 20 on the ground that it is vague and ambiguous. Respondent further objects to the extent the term “Incentive” is used to characterize various types of “discounts” and “rebates.” This characterization lacks factual foundation and depends upon a legal conclusion. Use of this argumentative characterization is a device intended by Plaintiff to assume away an evidentiary burden borne exclusively by Plaintiff – namely, whether “discounts” or “rebates” are in fact “Incentives.”

13. Respondent objects to the definition of “Publishers” set forth in Definition No. 26 on the ground that it is vague and ambiguous. Respondent further objects to Definition No. 26 to the extent it purports to encompass Publishers other than those identified in the Amended Complaint.

14. Respondent objects to the definition of “Spread” set forth in Definition No. 28 on the ground that it is vague and ambiguous.

15. Respondent objects to the definition of “SWP” set forth in Definition No. 30 on the ground that it is vague and ambiguous.

16. Respondent objects to each interrogatory to the extent that they may be construed as calling for confidential information relating to a patient. Respondent will not produce any such information to the extent it is under any obligation to maintain the

patient information in confidence. Respondent will not disclose such information unless the patient grants permission to do so.

17. Respondent objects to each interrogatory as unduly burdensome to the extent that it seeks information that is available, in a way that would be less burdensome or expensive, from a public source or some other source available to the Plaintiff.

18. Respondent objects to each interrogatory to the extent that it purports to require Respondent to search through an unduly large quantity of data or to search for information that is not accessible, available or locatable without imposing an undue burden upon Respondent. Subject to and without waiving any objection, Respondent will conduct a reasonable search for responsive information that is reasonably accessible, available and locatable.

19. Respondent objects to each interrogatory to the extent that it seeks information regarding the Medicaid rebate program on the grounds that such information is not relevant to the subject matter involved in the pending action, including the claim or defense of any party in this litigation, and not reasonably calculated to lead to the discovery of admissible evidence, because, *inter alia*, there are no Medicaid rebate claims in Plaintiff's Amended Complaint.

20. Respondent objects to each interrogatory to the extent that it seeks information regarding drugs other than the Subject Drugs that are at issue in this litigation or concern matters not related to Kentucky, because such information is not relevant to the subject matter involved in the pending action, including the claim or defense of any party in this litigation, and not reasonably calculated to lead to the discovery of admissible evidence.

21. Respondent objects to the Interrogatories to the extent the answers to such interrogatories may be derived or ascertained from documents to be produced by Respondent in response to Plaintiff's First Set of Requests for Production of Document.

22. Respondent objects to the Interrogatories to the extent that they are indefinite and/or fail to describe the information requested with reasonable particularity, and to the extent that they employ terms or definitions that render the Interrogatories vague or ambiguous. Except as otherwise stated, Respondent will interpret any such term based on its understanding of the term's usage, if any, by Respondent and/or in the pharmaceutical industry.

23. Respondent's responses to the Interrogatories are supplied for use in this litigation and for no other purpose.

24. Respondent objects to the production of any information falling within one of the General Objections set forth herein or within one of the specific objections set forth below. In the event any information submitted falls within any objection, its production does not constitute waiver of the objection. Respondent expressly incorporates these General Objections into each specific response to the interrogatories set forth below as if set forth full therein. These General Objections form a part of the response to each and every interrogatory and are set forth here to avoid the unnecessary duplication and repetition that would result from restating them for each response below. The response to an interrogatory shall not operate as a waiver of any applicable specific or general objection to a request.

RESPONSES TO INTERROGATORIES

1. Identify your definition for each of the following terms as they are used in the ordinary course of your business as they relate to drug pricing or a difference in drug

pricing, whether or not your working definition is the same as the plaintiffs definitions for these Interrogatories:

- a) AWP;
- b) WAC;
- c) DP;
- d) SWP;
- e) AMP;
- f) ASP;
- g) Incentive;
- h) Best Price; and
- i) Spread.

To the extent your “course of business” definition of the above terms differs with the plaintiff’s stated Definitions of the above terms referred to on pages 2 to 8 of these Interrogatories, please respond using both definitions, identifying which definition is being used in the response thereto. To the extent your “course of business” definition has changed during the Defined Time Period, please provide each definition and identify the relevant time at which the definition changed and an explanation for such change.

Response to Interrogatory No. 1:

In addition to the General Objections set forth above, Respondent objects to Interrogatory No.1 on the ground that it is overly broad, unduly burdensome and seeks information not relevant to the subject matter involved in the pending action, including the claim or defense of any party in this litigation, and not reasonably calculated to lead to the discovery of admissible evidence. Respondent further objects to this Interrogatory to the extent that it requires Respondent to identify “business...definition[s]”: (i) for the

terms DP and WAC, as such terms that are not used by Warrick in the “ordinary course of business;” (ii) for the terms SWP, Incentive, and Spread, as such terms are not used by Warrick in the “ordinary course of business” and, as defined and used in the Interrogatory, are vague and ambiguous; (iii) for the terms ASP and AMP, as the definitions for such terms are prescribed by federal statutes and are not relevant to the reimbursement system that serves as the basis for plaintiff’s claims. Respondent further objects to this Interrogatory on the ground that its use of the phrases “working definition” and “‘course of business’ definition” renders it vague and ambiguous. Subject to and without waiving these specific objections or its General Objections, Respondent, relying on what it believes constitutes the phrases “working definition” and “‘course of business’ definition,” responds to this Interrogatory as follows:

Respondent understands “AWP” to be a reference price. To the extent any other definitions are in use by Warrick for the term “AWP,” such information may be ascertained or derived from Warrick’s business records to be produced in this case, and the burden of deriving or ascertaining the answer is substantially the same for the requesting party as for the responding party. These business records will be produced pursuant to Plaintiff’s First Set of Requests for Production.

The term “WAC” is not a term that is in customary use at Warrick. Warrick understands the term “WAC” to mean to others in the industry as an undiscounted list price. To the extent any other definitions are in use by Warrick for the term “WAC,” such information may be ascertained or derived from Warrick’s business records to be produced in this case, and the burden of deriving or ascertaining the answer is substantially the same for the requesting party as for the responding party. These

business records will be produced pursuant to Plaintiff's First Set of Requests for Production.

The term "DP" is not a term that is in use at Warrick. Warrick understands the term "DP" to mean to others in the industry as a direct or list price for a product. To the extent any other definitions are in use by Warrick for the term "DP," such information may be ascertained or derived from Warrick's business records to be produced in this case, and the burden of deriving or ascertaining the answer is substantially the same for the requesting party as for the responding party. These business records will be produced pursuant to Plaintiff's First Set of Requests for Production.

2. Identify all persons with knowledge of the matters contained in the pleadings filed in this action, and specify the subject matter about which each person has knowledge.

Response to Interrogatory No. 2:

In addition to the General Objections set forth above, Respondent objects to Interrogatory No. 2 because it is cumulative and duplicative of prior discovery requests of Plaintiff, including without limitation Interrogatories Nos. 4-6, 9, 16, 17 and 19-21, and Respondent incorporates its responses to those Interrogatories as if fully set forth herein. Respondent further objects to this Interrogatory because its use of the phrase "matters contained in the pleadings" renders it vague and ambiguous, unduly burdensome and incapable of accurate response, and because it is overly broad and apparently seeks information beyond information relevant to the subject matter involved in the pending action, including the claim or defense of any party in this litigation, and is not reasonably calculated to lead to the discovery of admissible evidence. Finally, Respondent objects

to this Interrogatory on the ground that its use of the term “knowledge” renders it vague and ambiguous. Subject to and without waiving these specific objections or its General Objections, or the specific objections set forth in response to each of the Responses referenced below, Respondent, relying on what it understands constitutes the term “knowledge,” responds to this Interrogatory as follows:

Those who may have knowledge of the AMPs reported include Harvey Weintraub and John Van Schaften as listed in Response to Interrogatory No. 4. Those who may have knowledge of the AWP's reported include Raman Kapur and Harvey Weintraub as listed in Response to Interrogatories Nos. 5 and 6. Those who may have knowledge of pricing communications made to the entities responsible for administering the MAP include Harvey Weintraub, Sera Oxner (former employee), B. Michael Kennedy (retired), Rae Ann Hayko (former employee), Michael Flinn (former employee), John Van Schaften, and Janice Brennan as listed in Response to Interrogatory No. 9. Those who may have knowledge of the company's sales and various accounts include Al Graf, Walter Gough, and Jerome Sherman as listed in Response to Interrogatory Nos. 16 and 17. Robert Gloden may have knowledge of the negotiation and/or terms of Warrick's non-hospital GPO contracts in Kentucky as listed in Response to Interrogatory No. 19. Those who may have knowledge of the negotiation and/or terms of Warrick's contracts with Healthcare Providers include Harvey Weintraub, Al Graf, Walter Gough, and Jerome Sherman as listed in Response to Interrogatory No. 20. Those who may have knowledge of the negotiation and/or terms of Warrick's contracts with Kentucky Healthcare Providers include Harvey Weintraub and Jerome Sherman as listed in Response to Interrogatory No. 21. Additional information may be ascertained or derived from

Warrick's business records to be produced in this case, and the burden of deriving or ascertaining the answer is substantially the same for the requesting party as for the responding party. These business records will be produced pursuant to Plaintiff's First Set of Requests for Production.

3. For each interrogatory, identify who prepared the response, and who in your company is the most knowledgeable about the information contained in your responses.

Response to Interrogatory No. 3:

In addition to the General Objections set forth above, Respondent objects to Interrogatory No. 3 because it seeks information not relevant to the subject matter involved in the pending action, including the claim or defense of any party in this litigation, and not reasonably calculated to lead to the discovery of admissible evidence. Respondent further objects to Interrogatory No. 3 to the extent that it requires Respondent to identify persons with respect to those interrogatories that have been objected to as unintelligible or otherwise completely objectionable. Respondent further objects to Interrogatory No. 3 because its use of the phrase "most knowledgeable" renders it vague and ambiguous. Subject to and without waiving these specific objections or its General Objections, Respondent responds by stating that these responses were prepared by counsel with the assistance of Mr. Harvey Weintraub.

4. Please identify for each calendar year, by quarter, during the Defined Time Period, the AMP you reported to the CMS for each of the Subject Drugs. For each AMP identified, identify:

- a) Each employee who has knowledge of how AMP was calculated and reported; and
- b) Each document that relates to the AMP reported to the CMS.

Response to Interrogatory No. 4:

In addition to the General Objections set forth above, Respondent objects to Interrogatory No. 4 on the ground that it is overly broad and unduly burdensome and seeks information not relevant to the subject matter involved in the pending action, including the claim or defense of any party in this litigation, and not reasonably calculated to lead to the discovery of admissible evidence. Respondent objects to this Interrogatory to the extent that it requires Respondent to identify: (i) every “AMP reported to the CMS;” (ii) “each employee who has “knowledge;” and (iii) “each document that relates to the AMP reported” Any information relating to AMP is not relevant to the subject matter involved in the pending action, including the claim or defense of any party in this litigation, and not reasonably calculated to lead to the discovery of admissible evidence, as plaintiff has asserted a claim based upon the Medicaid reimbursement system it established, which is wholly unrelated to any AMPs that would otherwise be reported to the CMS pursuant to 42 U.S.C. § 1396R-8. Finally, Respondent objects to this Interrogatory because its use of term “knowledge” renders it vague and ambiguous. Subject to and without waiving these specific objections or its General Objections, Respondent, relying on what it understands constitutes the term “knowledge,” responds to this Interrogatory as follows:

The AMP for each of the Subject Drugs was set generally set by the Schering-Plough Corp. Medicaid Rebates Group in consultation with Mr. John Van Schaften.

Various personnel within the Medicaid Rebates Group were responsible for reporting AMPs.

A list of Warrick employees who may have knowledge of the AMPs reported includes but is not limited to:

Harvey Weintraub
Consultant to Warrick Pharmaceuticals, 1994 to present
Warrick Pharmaceuticals
1095 Morris Avenue, Union, N.J. 07083

John Van Schaften
Financial Manager, 1996 to present
Warrick Pharmaceuticals
1095 Morris Avenue, Union, N.J. 07083

Additional information may be ascertained or derived from Warrick's business records to be produced in this case, and the burden of deriving or ascertaining the answer is substantially the same for the requesting party as for the responding party. These business records will be produced pursuant to Plaintiff's First Set of Requests for Production.

5. Please identify for each calendar year, by quarter, during the Defined Time Period, the AWP each Publisher reported for each of the Subject Drugs. For each AWP identified, identify:

- a) Each employee who has knowledge of how the AWP was determined, calculated and/or reported; and
- b) Each document that relates to the AWP reported by each Publisher.

Response to Interrogatory No. 5:

In addition to the General Objections set forth above, Respondent objects to Interrogatory No. 5 because its use of the terms "Publisher" and "knowledge" render it vague and ambiguous. Respondent further objects to Interrogatory No. 5 on the ground

that it is overly broad, unduly burdensome, and seeks information not relevant to the subject matter involved in the pending action, including the claim or defense of any party in this litigation, and not reasonably calculated to lead to the discovery of admissible evidence. Respondent objects to this Interrogatory to the extent that it requires Respondent to identify: (i) Publishers other than those identified by plaintiff in its Amended Complaint; (ii) the AWP's as reported by Publishers and not Warrick; (iii) "each employee who has knowledge" of the subject matter; (iv) the AWP's reported by any Publisher; and (v) "[e]ach document that relates to the AWP reported. . . ." Finally, Respondent objects to this Interrogatory to the extent that the answers can be ascertained by plaintiff from public documents and/or the documents to be produced to plaintiff pursuant to Plaintiff's First Set of Requests for Production. Subject to and without waiving these specific objections or its General Objections, Respondent, relying on what it understands constitutes the terms "Publisher" and "knowledge," responds to this Interrogatory as follows:

The AWP for each of the Subject Drugs was set generally set by Warrick's senior management, including Mr. Raman Kapur and Mr. Harvey Weintraub. Various personnel within Warrick were responsible for communicating pricing information to the various reporting services.

A list of Warrick employees who may have knowledge of the AWP's reported includes but is not limited to:

Raman Kapur
President of Warrick Pharmaceuticals, 1993 to 2004
Warrick Pharmaceuticals
1095 Morris Avenue, Union, N.J. 07083

Harvey Weintraub
Consultant to Warrick Pharmaceuticals, 1994 to present

Warrick Pharmaceuticals
1095 Morris Avenue, Union, N.J. 07083

Additional information may be ascertained or derived from Warrick's business records to be produced in this case, and the burden of deriving or ascertaining the answer is substantially the same for the requesting party as for the responding party. These business records will be produced pursuant to Plaintiff's First Set of Requests for Production.

6. Did you make any Price Representation of AWP to any Publisher for any of the Subject Drugs? For each of the Subject Drugs for which you made a Price Representation of AWP to a Publisher, identify:

- a) The Subject Drugs;
- b) The Publisher;
- c) The time period(s) which you reported the AWP;
- d) How the AWP you reported was calculated;
- e) Each employee whom you believe may have knowledge relating to how the AWP was calculated;
- f) Each employee whom you believe may have knowledge relating to the reporting of AWP to the Publisher;
- g) Each Price Representation of AWP you made to the Publisher; and
- h) Each document that relates to the Price Representation of AWP.

Response to Interrogatory No. 6:

In addition to the General Objections set forth above, Respondent objects to Interrogatory No. 6 on the ground that the terms "Publisher" and "knowledge" are vague and ambiguous. Respondent further objects to Interrogatory No. 6 on the ground that it is

overly broad and unduly burdensome. Respondent objects to this Interrogatory to the extent that it requires Respondent to identify: (i) Publishers other than those identified by plaintiff in its Amended Complaint; (ii) “[e]ach employee who . . . may have knowledge” of the subject matter; (iii) “[e]ach Price Representation of AWP . . . made;” and (iv) “[e]ach document that relates to the Price Representation of AWP.” Respondent further objects to Interrogatory No. 6 to the extent that it is duplicative of Interrogatory No. 5. Finally, Respondent objects to this Interrogatory to the extent that the answers sought can be ascertained by plaintiff from public documents and/or the documents to be produced to plaintiff pursuant to Plaintiff’s First Set of Requests for Production. Subject to and without waiving these specific objections or its General Objections, Respondent, relying on what it understands constitutes the terms “Publisher” and “knowledge,” responds to this Interrogatory as follows:

Warrick has reported AWP’s to Publishers for the Subject Drugs. Prices for the Subject Drugs were generally set by Warrick’s senior management, including Mr. Raman Kapur and Mr. Harvey Weintraub. Various personnel within Warrick were responsible for communicating pricing information to the various reporting services.

A list of Warrick employees who may have knowledge of the AWP’s reported includes but is not limited to:

Raman Kapur
President of Warrick Pharmaceuticals, 1993 to 2004
Warrick Pharmaceuticals
1095 Morris Avenue, Union, N.J. 07083

Harvey Weintraub
Consultant to Warrick Pharmaceuticals, 1994 to present
Warrick Pharmaceuticals
1095 Morris Avenue, Union, N.J. 07083

Additional information about AWP's reported for the Subject Drugs may be ascertained or derived from Warrick's business records to be produced in this case, and the burden of deriving or ascertaining the answer is substantially the same for the requesting party as for the responding party. These business records will be produced pursuant to Plaintiff's First Set of Requests for Production.

7. If the answer to interrogatory number 6 is no, please indicate whether you made any Price Representation of AWP to any Publisher for any of your Pharmaceuticals? For each Pharmaceutical for which you made a Price Representation of AWP to a Publisher, identify:

- a) The Subject Drugs;
- b) The Publisher;
- c) The time period(s) which you reported the AWP;
- d) How the AWP you reported was calculated;
- e) Each employee whom you believe may have knowledge relating to how the AWP was calculated;
- f) Each employee whom you believe may have knowledge relating to the reporting of AWP to the Publisher;
- i) Each Price Representation of AWP you made to the Publisher;
- j) Each document that relates to the Price Representation of AWP.

Response to Interrogatory No. 7:

In addition to the General Objections set forth above, Respondent objects to Interrogatory No. 7 on the ground that the terms "Publisher" and "knowledge" are vague and ambiguous. Respondent further objects to Interrogatory No. 7 on the ground that it is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery

of relevant evidence. Respondent objects to this interrogatory to the extent that it: (i) requires Respondent to identify Publishers other than those identified by plaintiff in its Amended Complaint; (ii) requires Respondent to identify “[e]ach employee who...may have knowledge” of the stated subject; (iii) requires Respondent to identify “[e]ach document that relates to the Price Representation of AWP;” and (iv) is not limited to information concerning the Subject Drugs. Subject to and without waiving these specific objections or its General Objections, Respondent, relying on what it believes constitutes the terms “Publisher” and “knowledge,” responds to this Interrogatory as follows:

Respondent answered Interrogatory No. 6 in the affirmative and thus Respondent is not required to provide a response to this Interrogatory.

8. To the extent you made any Price Representation, including but not limited to WAC or DP, to any Publisher for any of your Subject Drugs, for each of the Subject Drugs for which you made a Price Representation to a Publisher, identify:

- a) The Price Representation;
- b) How the Price Representation was calculated;
- c) The circumstances under which the Price Representation was made;
- d) Whether it was the usual practice of you or any Publisher to whom you made a Price Representation for your Subject Drugs, to apply a certain markup to the Price Representation in order to establish the AWP;

- e) The usual markup you or any Publisher to whom you made a Price Representation applied to each Subject Drugs to establish the AWP;
- f) Each employee whom you believe may have knowledge relating to the reporting of any Price Representation to a Publisher for any of the Subject Drugs; and
- g) Each document that relates to the Price Representation.

Response to Interrogatory No. 8:

In addition to the General Objections set forth above, Respondent objects to Interrogatory No. 8 because its use of the terms “Publisher,” “knowledge,” “circumstances,” “usual practice” and “mark-up” render it vague and ambiguous. Respondent further objects to Interrogatory No. 8 on the ground that it is overly broad, unduly burdensome, and seeks information not relevant to the subject matter involved in the pending action, including the claim or defense of any party in this litigation, and not reasonably calculated to lead to the discovery of admissible evidence. Respondent objects to this Interrogatory to the extent that it: (i) requires Respondent to identify Publishers other than those identified in its Amended Complaint; (ii) seeks information about Price Representations other than AWP, WAC or DP; (iii) requires Respondent to identify every Price Representation made to a Publisher in the relevant time period; (iv) requires Respondent to identify “[e]ach employee who . . . may have knowledge” of the subject matter; and (v) requires Respondent to identify “[e]ach document that relates to the Price Representation.” Respondent further objects to Interrogatory No. 8 to the extent that it is duplicative of Interrogatories Nos. 5 and 6. Respondent further objects to this Interrogatory to the extent that the answers sought can be ascertained by plaintiff from

public documents and/or the documents to be produced to plaintiff pursuant to Plaintiff's First Set of Requests for Productions. Subject to and without waiving these specific objections or its General Objections, Respondent, relying on what it believes constitutes the terms "Publisher," "knowledge" and "circumstances," "usual practice" and "mark-up," responds to this Interrogatory as follows:

Warrick does not report WAC and DP to Publishers for the Subject Drugs. To the extent that Warrick reports AWP's to Publishers, such prices were generally set by Warrick's senior management, including Mr. Raman Kapur and Mr. Harvey Weintraub. Various personnel within Warrick were responsible for communicating pricing information to the various reporting services.

A list of Warrick employees who may have knowledge of the AWP's provided to the various reporting services includes but is not limited to:

Raman Kapur
President of Warrick Pharmaceuticals, 1993 to 2004
Warrick Pharmaceuticals
1095 Morris Avenue, Union, N.J. 07083

Harvey Weintraub
Consultant to Warrick Pharmaceuticals, 1994 to present
Warrick Pharmaceuticals
1095 Morris Avenue, Union, N.J. 07083

Additional information about Price Representations made for the Subject Drugs may be ascertained or derived from Warrick's business records to be produced in this case, and the burden of deriving or ascertaining the answer is substantially the same for the requesting party as for the responding party. These business records will be produced pursuant to Plaintiff's First Set of Requests for Production.

9. Did you make any Price Representation directly to the Kentucky Medicaid Program or the Cabinet for Health and Family Services, Medical Assistance Program, or to its fiscal agents, for any of the Subject Drugs? If so, identify.

- a) Each Price Representation by Subject Drug;
- b) How the Price Representation was calculated;
- c) The circumstances under which the Price Representation was made;
- d) Each employee whom you believe may have knowledge relating to any Price Representation for any of the Subject Drugs made directly to the Cabinet for Health and Family Services and/or Medical Assistance Program; and
- e) Each document that relates to the Price Representation.

Response to Interrogatory No. 9:

In addition to the General Objections set forth above, Respondent objects to Interrogatory No. 9 because its use of the term “knowledge” renders it vague and ambiguous. Respondent Further objects to Interrogatory No. 9 on the ground that it is overly broad, unduly burdensome, and seeks information not relevant to the subject matter involved in the pending action, including the claim or defense of any party in this litigation, and not reasonably calculated to lead to the discovery of admissible evidence. Respondent further objects to this Interrogatory to the extent that it: (i) seeks information that is in the plaintiff’s possession, custody, or control; (ii) seeks information about Price Representations other than AWP, WAC, or DP; (iii) requires Respondent to identify every Price Representation made during the relevant time period; (iv) requires Respondent to identify “[e]ach employee who ... may have knowledge” of the subject

matter; and (v) requires Respondent to identify “[e]ach document that relates to the Price Representation.” Respondent further objects to Interrogatory No. 9 to the extent that it is duplicative of Interrogatories Nos. 5, 6, and 8. Finally, Respondent objects to this Interrogatory to the extent that the answers sought can be ascertained by plaintiff from documents to be produced to plaintiff pursuant to Plaintiff’s First Set of Requests for Production. Subject to and without waiving these specific objections or its General Objections, Respondent, relying on what it believes constitutes the term “knowledge,” responds to this Interrogatory as follows:

Warrick began reporting prices for its Pharmaceuticals directly to the entities responsible for administering the Medical Assistance Program (“MAP”) in 2001. Such prices were generally provided by Mr. John Van Schaften in consultation with Mr. Harvey Weintraub. Various personnel within Warrick were responsible for communicating pricing information to the entities responsible for administering the MAP.

A list of employees who may have knowledge of pricing communications made to the entities responsible for administering the MAP includes but is not limited to:

Harvey Weintraub
Consultant to Warrick Pharmaceuticals, 1994 to present
Warrick Pharmaceuticals
1095 Morris Avenue, Union, N.J. 07083

Sera Oxner
Novartis

B. Michael Kennedy (retired)
Director, Managed Care Financial Services
Schering Plough Corp.
2000 Galloping Hill Road, Kenilworth, N.J. 07033

Rae Ann Hayko
Present employment unknown

Michael Flinn
Present employment unknown

John Van Schaften
Financial Manager, 1996 to present
Warrick Pharmaceuticals
1095 Morris Avenue, Union, N.J. 07083

Janice Brennan
Schering Plough Corp.
2000 Galloping Hill Road, Kenilworth, N.J. 07033

Additional information about prices reported to the entities responsible for administering the MAP may be ascertained or derived from Warrick's business records to be produced in this case, and the burden of deriving or ascertaining the answer is substantially the same for the requesting party as for the responding party. These business records will be produced pursuant to Plaintiff's First Set of Requests for Production.

10. Identify the individuals within your company responsible for the communications with the Kentucky Medicaid Program or the Cabinet for Health and Family Services regarding the program's reimbursement for claims relating to the Subject Drugs. For each individual identified, provide:

- a) The dates within the Defined Time Period these individuals had these responsibilities;
- b) Their contact information (including the last known address and phone number for each former employee);
- c) Their job title and responsibilities;
- d) The primary individuals within the Medical Assistance Program with whom they communicated; and

- e) Each document that relates to any communications between you and the Medical Assistance Program or the Cabinet for Health and Family Services.

Response to Interrogatory No. 10:

In addition to the General Objections set forth above, Respondent objects to Interrogatory No. 10 because its use of the terms “knowledge” and “primary” and the phrase “responsible for the communications” renders it vague and ambiguous. Respondent further objects to Interrogatory No. 10 on the ground that it is overly broad, unduly burdensome, and seeks information not relevant to the subject matter involved in the pending action, including the claim or defense of any party in this litigation, and not reasonably calculated to lead to the discovery of admissible evidence. Respondent objects to this Interrogatory to the extent that it requires Respondent to identify: (i) all “individuals . . . responsible for the communications;” and (ii) “[e]ach document that relates to any communications.” Respondent further objects to Interrogatory No. 10 to the extent that is duplicative of Interrogatories Nos. 5-6 and 8-9. Finally, Respondent objects to this Interrogatory to the extent that the answers can be ascertained by plaintiff from information in the possession, custody or control of plaintiff and/or from the documents to be produced to plaintiff pursuant to Plaintiff’s First Set of Requests for Production. Subject to and without waiving these specific objections or its General Objections, Respondent, relying on what it believes constitutes the terms “knowledge” and “primary,” and the phrase “responsible for the communications,” responds to this Interrogatory as follows:

To the extent that Warrick can be construed to have communicated with the Kentucky Medicaid Program, the Cabinet for Health and Family Services or the MAP

regarding the program's reimbursement, Respondent refers to the communications discussed in the response to Interrogatory No. 9. Additional information about prices reported to the entities responsible for administering the MAP may be ascertained or derived from Warrick's business records to be produced in this case, and the burden of deriving or ascertaining the answer is substantially the same for the requesting party as for the responding party. These business records will be produced pursuant to Plaintiff's First Set of Requests for Production.

11. Have you calculated, used, and/or monitored the ASP for any of the Subject Drugs? For each of the Subject Drugs for which you calculated, used and/or monitored the ASP, identify:

- a) The year you began calculating and/or monitoring the ASP;
- b) The ASP, by calendar year;
- c) Each employee whom you believe may have knowledge of how ASPs were calculated, used, and/or monitored by you in the ordinary course of your business;
- d) Your purpose for calculating, using and/or monitoring the ASP for a Subject Drugs;
- e) Whether you made any Price Representation of ASP to any Publisher, customer, or governmental entity and identify same;
- f) Whether ASP was treated as confidential or commercially sensitive financial information; and
- g) Each document that relates to the ASPS for Subject Drugs.

Response to Interrogatory No. 11:

In addition to the General Objections set forth above, Respondent objects to Interrogatory No. 11 because its use of the terms “used,” “monitored,” “knowledge,” “Publisher,” “purpose,” and “ordinary course” renders it vague and ambiguous. Respondent further objects to Interrogatory No. 11 on the ground that it is overly broad, unduly burdensome, and seeks information not relevant to the subject matter involved in the pending action, including the claim or defense of any party in this litigation, and not reasonably calculated to lead to the discovery of admissible evidence. Respondent objects to this Interrogatory to the extent that it requires Respondent to: (i) produce information regarding the defined term ASP because ASPs are wholly unrelated to the Medicaid reimbursement system upon which plaintiff basis its claims; (ii) produce information regarding the defined term ASP as such information falls outside the relevant time period covered in this case; (iii) identify “[e]ach employer who . . . may have knowledge;” and (iv) identify “[e]ach document that relates to the ASPs.” Subject to and without waiving these specific objections or its General Objections, Respondent, relying on what it believes constitutes the terms “used,” “monitored,” “knowledge,” “Publisher,” “purpose,” and “ordinary course,” Respondent responds to this Interrogatory as follows:

During the relevant time period, Warrick did not generally calculate or report ASPs for the Subject Drugs.

12. For each of the Subject Drugs please identify, by year and quarter during the Defined Period of Time, your sales (by dollar and by unit); total costs to research, develop, produce, distribute, market and sell; revenues; profits; and market share in the United States.

Response to Interrogatory No. 12:

In addition to the General Objections set forth above, Respondent objects to Interrogatory No. 12 on the ground that it is overly broad, duplicative and cumulative of other requests (including but not limited to Interrogatory No. 13), and unduly burdensome, and seeks information not relevant to the subject matter involved in the pending action, including the claim or defense of any party in this litigation, and not reasonably calculated to lead to the discovery of admissible evidence. Respondent objects to Interrogatory No. 12 to the extent that it seeks information other than dollar and unit sales of the Subject Drugs. Respondent further objects to this Interrogatory on the ground that it fails to define the product market within which it seeks market share information and thus is vague and ambiguous. Finally, Respondent objects to this Interrogatory to the extent that the answers sought can be ascertained by plaintiff from documents to be produced to plaintiff pursuant to Plaintiff's First Set of Requests for Production. Subject to and without waiving these specific objections or its General Objections, Respondent responds that the information requested by this Interrogatory may be ascertained or derived from Warrick's business records to be produced in this case, and the burden of deriving or ascertaining the answer is substantially the same for the requesting party as for the responding party. These business records will be produced pursuant to Plaintiff's First Set of Requests for Production.

13. Please identify, by year and quarter during the Defined Period of Time, your sales (by dollar and by unit); total costs to research, develop, produce, distribute, market and sell; revenues; profits; and market share in Kentucky for each of the Subject Drugs.

Response to Interrogatory No. 13:

In addition to the General Objections set forth above, Respondent objects to Interrogatory No. 13 on the ground that it fails to define the product market within which it seeks market share information and thus is vague and ambiguous. Respondent further objects to this Interrogatory to the extent that it is duplicative and cumulative of Interrogatory No. 12. Respondent further objects to this Interrogatory on the ground that it is overly broad, unduly burdensome, and seeks information not relevant to the subject matter involved in the pending action, including the claim or defense of any party in this litigation, and not reasonably calculated to lead to the discovery of admissible evidence. Respondent objects to Interrogatory No. 13 to the extent that it seeks information other than dollar and unit sales of the Subject Drugs. Finally, Respondent objects to this Interrogatory to the extent that the answers can be ascertained by plaintiff from documents to be produced to plaintiff pursuant to Plaintiff's First Set of Requests for Production. Subject to and without waiving these specific objections or its General Objections, Respondent responds that the information requested by this Interrogatory may be ascertained or derived from Warrick's business records to be produced in this case, and the burden of deriving or ascertaining the answer is substantially the same for the requesting party as for the responding party. These business records will be produced pursuant to Plaintiff's First Set of Requests for Production.

14. Please identify, by year and quarter during the Defined Period of Time, the market share in the United States for each Competing Pharmaceutical that competes with any of the Subject Drugs.

Response to Interrogatory No. 14:

In addition to the General Objections set forth above, Respondent objects to Interrogatory No. 14 on the ground that it is overly broad, unduly burdensome, and seeks

information not relevant to the subject matter involved in the pending action, including the claim or defense of any party in this litigation, and not reasonably calculated to lead to the discovery of admissible evidence. Respondent further objects to Interrogatory No. 14 on the ground that such information is not in the possession, custody or control of Respondent and can be ascertained by plaintiff through other sources. Respondent further objects to this Interrogatory on the ground that it fails to define the product market within which it seeks market share information and thus is vague and ambiguous. Subject to and without waiving these specific objections or its General Objections, Respondent responds that the information requested by this Interrogatory may be ascertained or derived from Warrick's business records to be produced in this case, and the burden of deriving or ascertaining the answer is substantially the same for the requesting party as for the responding party. These business records will be produced pursuant to Plaintiff's First Set of Requests for Production.

15. For each calendar year during the Defined Period of Time, identify each Pharmaceutical Class of Trade in which any of the Subject Drugs are sold.

Response to Interrogatory No. 15:

In addition to the General Objections set forth above, Respondent objects to Interrogatory No. 15 to the extent that the answers sought can be ascertained by plaintiff from the documents to be produced to plaintiff pursuant to Plaintiff's First Set of Requests for Production. Subject to and without waiving these specific objections or its General Objections, Respondent responds that the Pharmaceutical Classes of Trade in which the Subject Drugs are sold may be ascertained or derived from Warrick's business records to be produced in this case, and the burden of deriving or ascertaining the answer is substantially the same for the requesting party as for the responding party. These

business records will be produced pursuant to Plaintiff's First Set of Requests for Production.

16. For each Pharmaceutical Class of Trade identified in response to interrogatory number 15, please identify, by year during the Defined Period of Time and by Subject Drug, the fifteen (15) largest purchasers in the United States (by units sold) within each Pharmaceutical Class of Trade and identify what percent of your annual total U.S. sales per Pharmaceutical Class of Trade the fifteen (15) purchasers represents. For each purchaser identified:

- a) Identify your account representative(s) and their supervisors;
- b) Provide the price(s) you charged for each of the Subject Drugs, by NDC code;
- c) Provide the price(s) you charged for each of the Subject Drugs, by NDC code, net of all Incentives; and
- d) Identify each Incentive applied to calculate the net purchase price of each of the Subject Drugs set forth in Section (c) above.

Response to Interrogatory No. 16:

In addition to the General Objections set forth above, Respondent objects to Interrogatory No. 16 on the ground that it is overly broad, unduly burdensome, and seeks information not relevant to the subject matter involved in the pending action, including the claim or defense of any party in this litigation, and not reasonably calculated to lead to the discovery of admissible evidence. Respondent objects to Interrogatory No. 16 to the extent that it: (i) requests every "price" charged to a relevant purchaser within the relevant time period; (ii) is not limited to information concerning the sale of the Subject Drugs in relevant pharmaceutical classes of trade; and (iii) seeks information concerning

the term "Incentive" which, as defined and used in the Interrogatory, renders the Interrogatory vague and ambiguous. Respondent further objects to Interrogatory No. 16 to the extent it attempts to characterize a purchase price as something other than the price charged for a product. Respondent further objects to this Interrogatory on the ground that its use of the phrase "price(s) you charged for each of the Subject Drugs" renders it vague and ambiguous and incapable of accurate response. Finally, Respondent objects to this Interrogatory to the extent the answers sought can be ascertained by plaintiff from documents to be produced to plaintiff pursuant to Plaintiff's First Set of Requests for Production. Subject to and without waiving these specific objections or its General Objections, Respondent, relying on what it believes constitutes the phrase "price(s) you charged for each Subject Drug," responds to this Interrogatory as follows:

Three trade directors for Warrick were responsible for the company's sales and various accounts. A list of these trade directors includes:

Al Graf
National Sales Manager, 1995 to present
Warrick Pharmaceuticals
1095 Morris Avenue, Union, N.J. 07083

Walter Gough
National Sales Manager, 1993 to present
Warrick Pharmaceuticals
1095 Morris Avenue, Union, N.J. 07083

Jerome Sherman
National Sales Manager, 1995 to present
Warrick Pharmaceuticals
1095 Morris Avenue, Union, N.J. 07083

The remainder of the information requested by this Interrogatory may be ascertained or derived from Warrick's business records to be produced in this case, and

the burden of deriving or ascertaining the answer is substantially the same for the requesting party as for the responding party.

17. For each Pharmaceutical Class of Trade identified in response to interrogatory number 15 please identify, by year during the Defined Period of Time and by Subject Drug, the fifteen (15) largest Kentucky purchasers (by units sold) within each Pharmaceutical Class of Trade, and identify what percent of your total annual Kentucky sales per Pharmaceutical Class of, Trade the fifteen (15) purchasers represents. For each purchaser identified:

- a) Identify your account representative(s) and their supervisors;
- b) Provide the price(s) you charged for each of the Subject Drugs, by NDC code;
- c) Provide the price(s) you charged for each of the Subject Drugs, by NDC code, net of all Incentives; and
- d) Identify each Incentive applied to calculate the net purchase price of each of the Subject Drugs set forth in Section (c) above.

Response to Interrogatory No. 17:

In addition to the General Objections set forth above, Respondent objects to Interrogatory No. 17 on the ground that it is overly broad, unduly burdensome, and seeks information not relevant to the subject matter involved in the pending action, including the claim or defense of any party in this litigation, and not reasonably calculated to lead to the discovery of admissible evidence. Respondent further objects to Interrogatory No. 17 to the extent that: (i) it requests every "price" charged to a relevant purchaser within the relevant time period; (ii) is not limited to information concerning the sale of the Subject Drugs in relevant pharmaceutical classes of trade; and (iii) seeks information

concerning the term "Incentive" which, as defined and used in the Interrogatory, renders the Interrogatory vague and ambiguous. Respondent further objects to this Interrogatory to the extent it attempts to characterize a purchase price as something other than the price charged for a product. Respondent further objects to this Interrogatory on the ground that the phrase "price(s) you charged for each of the Subject Drugs" is vague and ambiguous. Finally, Respondent objects to this Interrogatory to the extent that the answers can be ascertained by plaintiff from documents to be produced to plaintiff pursuant to Plaintiff's First Set of Requests for Production. Subject to and without waiving these specific objections or its General Objections, Respondent, relying on what it believes constitutes the phrase "price(s) you charged for each of the Subject Drugs," responds to this Interrogatory as follows:

Three trade directors for Warrick were responsible for the company's sales and various accounts. A list of these trade directors includes:

Al Graf
National Sales Manager, 1995 to present
Warrick Pharmaceuticals
1095 Morris Avenue, Union, N.J. 07083

Walter Gough
National Sales Manager, 1993 to present
Warrick Pharmaceuticals
1095 Morris Avenue, Union, N.J. 07083

Jerome Sherman
National Sales Manager, 1995 to present
Warrick Pharmaceuticals
1095 Morris Avenue, Union, N.J. 07083

The remainder of the information requested by this Interrogatory may be ascertained or derived from Warrick's business records to be produced in this case, and

the burden of deriving or ascertaining the answer is substantially the same for the requesting party as for the responding party.

18. Please identify, by year during the Defined Period of Time, and by Pharmaceutical Class of Trade, the percentage of your sales of any of the Subject Drugs within that Pharmaceutical Class of Trade that are:

- a) Sold pursuant to a contract entered into with a Group Purchasing Organization
- b) Sold pursuant to a contract entered into with a wholesaler or distributor

Response to Interrogatory No. 18:

In addition to the General Objections set forth above, Respondent objects to Interrogatory No. 18 on the ground that it is overly broad, unduly burdensome, and seeks information not relevant to the subject matter involved in the pending action, including the claim or defense of any party in this litigation, and not reasonably calculated to lead to the discovery of admissible evidence. Respondent objects to Interrogatory No. 18 to the extent that it seeks information concerning sales to irrelevant pharmaceutical classes of trade. Subject to and without waiving these specific objections or its General Objections, Respondent responds that the information requested by this Interrogatory may be ascertained or derived from Warrick's business records to be produced in this case, and the burden of deriving or ascertaining the answer is substantially the same for the requesting party as for the responding party. These business records will be produced pursuant to Plaintiff's First Set of Requests for Production.

19. Please identify, by year during the Defined Period of Time, each GPO (excluding a GPO whose membership comprises primarily hospitals) in which you

entered into a contract for the sale of any of the Subject Drugs. For each contract identified, identify:

- a) The price(s) charged for each of the Subject Drugs by NDC code;
- b) The price(s) charged for each of the Subject Drugs by NDC code, net of all Incentives;
- c) Each Incentive applied to calculate the net purchase price of each of the Subject Drugs set forth in section (b) above;
- d) The account representative(s), their supervisor(s) and any other employee whom you believe may have knowledge relating to the negotiation and/or terms of each contract including how prices were established;
- e) Each employee whom you believe may have knowledge relating to your policies and practices regarding pricing in such contracts; and
- f) Each document that relates to the contract.

Response to Interrogatory No. 19:

In addition to the General Objections set forth above, Respondent objects to Interrogatory No. 19 on the ground that it is overly broad, unduly burdensome, and seeks information not relevant to the subject matter involved in the pending action, including the claim or defense of any party in this litigation, and not reasonably calculated to lead to the discovery of admissible evidence. Respondent objects to Interrogatory No. 19 to the extent that it: (i) requests every “price” charged to a relevant GPO pursuant to contract within the relevant time period; (ii) is not limited to information concerning GPO contracts in Kentucky; (iii) seeks information concerning the term “Incentive” which, as defined and used in the Interrogatory, renders the Interrogatory vague and

ambiguous; (iv) requires Respondent to identify each person who “may have knowledge;” and (v) requires Respondent to identify “[e]ach document that relates to [a GPO] contract.” Respondent further objects to this Interrogatory on the ground that its use of the phrase “price(s) charged for each Subject Drug” and the terms “knowledge,” “primarily” and “supervisor” render it vague and ambiguous. Finally, Respondent objects to this Interrogatory to the extent that the answers can be ascertained by plaintiff from documents to be produced to plaintiff pursuant to Plaintiff’s First Set of Requests for Production. Subject to and without waiving these specific objections or its General Objections, Respondent, relying on what it believes constitutes the phrase “price(s) charged for each of the Subject Drugs” and the terms “knowledge,” “primarily” and “supervisor,” responds to this Interrogatory as follows:

A list of employees who may have knowledge of the negotiation and/or terms of Warrick’s non-hospital GPO contracts in Kentucky includes but is not limited to:

Robert Gloden
Corporate Account Executive, 1996 to present
Schering Plough Corp.
2000 Galloping Hill Road, Kenilworth, N.J. 07033

The remainder of the information requested by this Interrogatory may be ascertained or derived from Warrick’s business records to be produced in this case, and the burden of deriving or ascertaining the answer is substantially the same for the requesting party as for the responding party.

20. Please identify, by year during the Defined Period of Time, and by Subject Drug, the fifteen (15) largest Healthcare Providers in the United States to which you directly sold any of the Subject Drugs and identify what percent of your annual direct

U.S. sales the fifteen (15) providers represents. For each Healthcare Provider identified, identify:

- a) The price(s) charged for each of the Subject Drugs by NDC code;
- b) The price(s) charged for each of the Subject Drugs by NDC code, net of all Incentives;
- c) Each Incentive applied to calculate the net purchase price of each of the Subject Drugs set forth in section (b) above;
- d) Whether there was a contract between you and the Healthcare Provider for the purchase of any of the Subject Drugs;
- e) The account representative(s), their supervisor(s) and any other employee whom you believe may have knowledge relating to the negotiation and/or terms of each contract including how prices were established;
- f) Each employee whom you believe may have knowledge relating to your policies and practices regarding pricing in such contracts; and
- g) Each document that relates to the contract.

Response to Interrogatory No. 20:

In addition to the General Objections set forth above, Respondent objects to Interrogatory No. 20 on the ground that it is overly broad, unduly burdensome, and seeks information not relevant to the subject matter involved in the pending action, including the claim or defense of any party in this litigation, and not reasonably calculated to lead to the discovery of admissible evidence. Respondent objects to Interrogatory No. 20 to the extent that: (i) requests every “price” charged to a relevant Healthcare Provider within the relevant time period; (ii) seeks information concerning the term “Incentive” which, as

defined and used in the Interrogatory, renders the Interrogatory vague and ambiguous;

(iii) requires Respondent to identify each person who “may have knowledge;” (iv) is not limited to Kentucky; and (v) requires Respondent to identify “[e]ach document that relates to [a Healthcare Provider] contract.” Respondent further objects to this Interrogatory No. 20 to the extent it attempts to characterize a purchase price as something other than the price charged for a product. Respondent further objects to this Interrogatory on the ground that its use of the phrases “price(s) charged for each Subject Drug” and “annual direct US sales,” and the terms “knowledge” and “supervisor,” renders it vague and ambiguous. Respondent further objects to this Interrogatory on the grounds that it is duplicative and cumulative of Interrogatory No. 19. Finally, Respondent objects to this Interrogatory to the extent that the answers sought can be ascertained by plaintiff from documents to be produced to plaintiff pursuant to Plaintiff’s First Set of Requests for Production. Subject to and without waiving these specific objections or its General Objections, Respondent, relying on what it believes constitutes the phrases “price(s) charged for each of the Subject Drugs” and “annual direct US sales,” and the terms “knowledge” and “supervisor,” responds to this Interrogatory as follows:

Respondent incorporates by reference its response to Interrogatory No. 19.

A list of employees who may have knowledge of the negotiation and/or terms of Warrick’s contracts with Healthcare Providers includes but is not limited to:

Harvey Weintraub
Consultant to Warrick Pharmaceuticals, 1994 to present
Warrick Pharmaceuticals
1095 Morris Avenue, Union, N.J. 07083

Al Graf
National Sales Manager, 1995 to present

Warrick Pharmaceuticals
1095 Morris Avenue, Union, N.J. 07083

Walter Gough
National Sales Manager, 1993 to present
Warrick Pharmaceuticals
1095 Morris Avenue, Union, N.J. 07083

Jerome Sherman
National Sales Manager, 1995 to present
Warrick Pharmaceuticals
1095 Morris Avenue, Union, N.J. 07083

The remainder of the information requested by this Interrogatory may be ascertained or derived from Warrick's business records to be produced in this case, and the burden of deriving or ascertaining the answer is substantially the same for the requesting party as for the responding party.

21. Please identify, by year during the Defined Period of Time, and by Subject Drug, the fifteen (15) largest Kentucky Healthcare Providers to which you directly sold any of the Subject Drugs, and identify what percent of your annual Kentucky sales the fifteen (15) providers represents. For each Healthcare Provider identified, identify:

- a) The price(s) charged for each of the Subject Drugs by NDC code;
- b) The price(s) charged for each of the Subject Drugs by NDC code, net of all Incentives;
- c) Each Incentive applied to calculate the net purchase price of each of the Subject Drugs set forth in section (b) above;
- d) Whether there was a contract between you and the Healthcare Provider for the purchase of any of the Subject Drugs;
- e) The account representative(s), their supervisor(s) and any other employee whom you believe may have knowledge relating to the

negotiation and/or terms of each contract including how prices were established;

- f) Each employee whom you believe may have knowledge relating to your policies and practices regarding pricing in such contracts; and
- g) Each document that relates to the contract.

Response to Interrogatory No. 21:

In addition to the General Objections set forth above, Respondent objects to Interrogatory No. 21 on the ground that it is overly broad, unduly burdensome, and seeks information not relevant to the subject matter involved in the pending action, including the claim or defense of any party in this litigation, and not reasonably calculated to lead to the discovery of admissible evidence. Respondent objects to Interrogatory No. 21 to the extent that it: (i) it requests every “price” charged to a Healthcare Provider within the relevant time period; (ii) seeks information concerning the term “Incentive” which, as defined and used in the Interrogatory, renders the Interrogatory vague and ambiguous; (iii) requires Respondent to identify each person who “may have knowledge;” and (iv) requires Respondent to identify “[e]ach document that relates to [a Healthcare Provider] contract.” Respondent further objects to the phrase “Kentucky Healthcare Providers” as rendering the Interrogatory vague and ambiguous to the extent it purports to encompass anything other than Healthcare Providers with a bill to or ship to address in Kentucky. Respondent further objects to Interrogatory No. 21 to the extent it attempts to characterize a purchase price as something other than the price charged for a product. Respondent further objects to this Interrogatory on the grounds that its use of the phrases “price(s) charged for each of the Subject Drugs” and “annual Kentucky sales,” and the terms “knowledge” and “supervisor,” renders the Interrogatory vague and ambiguous.

Finally, Respondent objects to this Interrogatory to the extent that the answers can be ascertained by plaintiff from documents to be produced to plaintiff pursuant to Plaintiff's First Set of Requests for Production. Subject to and without waiving these specific objections or its General Objections, Respondent, relying on what it believes constitutes the phrases "price(s) charged for each of the Subject Drugs" and "annual Kentucky sales," and the terms "knowledge" and "supervisor," responds to this Interrogatory as follows:

A list of employees who may have knowledge of the negotiation and/or terms of Warrick's contracts with Kentucky Healthcare Providers includes but is not limited to:

Harvey Weintraub
Consultant to Warrick Pharmaceuticals, 1994 to present
Warrick Pharmaceuticals
1095 Morris Avenue, Union, N.J. 07083

Jerome Sherman
National Sales Manager, 1995 to present
Warrick Pharmaceuticals
1095 Morris Avenue, Union, N.J. 07083

The remainder of the information requested by this Interrogatory may be ascertained or derived from Warrick's business records to be produced in this case, and the burden of deriving or ascertaining the answer is substantially the same for the requesting party as for the responding party.

22. Please describe each type of Incentive you offer in conjunction with the purchase of any of the Subject Drugs. For each Incentive identified, identify:

- a) The type(s) of Incentive(s) offered for each of the Subject Drugs;
- b) The Pharmaceutical Class of Trade eligible for each Incentive;
- c) The general terms and conditions required to be eligible for each Incentive;

d) The time period the Incentive was offered.

Response to Interrogatory No. 22:

In addition to the General Objections set forth above, Respondent objects to Interrogatory No. 22 on the ground that it is overly broad, unduly burdensome, and seeks information not relevant to the subject matter involved in the pending action, including the claim or defense of any party in this litigation, and not reasonably calculated to lead to the discovery of admissible evidence. Respondent objects to Interrogatory No. 22 to the extent that it: (i) seeks information concerning the term “Incentive” which, as defined and used in the Interrogatory, renders the Interrogatory vague and ambiguous; and (ii) is not limited to information concerning the sale of the Subject Drugs in Kentucky.

Subject to and without waiving these specific objections or its General Objections, Respondent, relying on what it understands constitutes the term “incentive,” responds that the information requested by this Interrogatory may be ascertained or derived from Warrick’s business records to be produced in this case, and the burden of deriving or ascertaining the answer is substantially the same for the requesting party as for the responding party. These business records will be produced pursuant to Plaintiff’s First Set of Requests for Production.

23. Please identify, by year during the Defined Period of Time and by Pharmaceutical Class of Trade, the percentage of your sales (in total units) of any of the subject Drugs that are purchased by Healthcare Providers at or above the published AWP, WAC, SWP, or DP.

Response to Interrogatory No. 23:

In addition to the General Objections set forth above, Respondent objects to Interrogatory No. 23 because it is overly broad, unduly burdensome, and seeks

information not relevant to the subject matter involved in the pending action, including the claim or defense of any party in this litigation, and not reasonably calculated to lead to the discovery of admissible evidence. Respondent objects to Interrogatory No. 23 to the extent that: (i) it seeks information concerning the term SWP which, as defined and used in the Interrogatory, renders the Interrogatory vague and ambiguous; (ii) is not limited to information concerning sales of Subject Drugs to relevant pharmaceutical classes of trade; and (iii) requires Respondent to identify every price paid for a Subject Drug by a Healthcare Provider within the relevant time period that was at or above AWP, WAC, SWP or DP. Respondent further objects to this Interrogatory to the extent that it is duplicative and cumulative of Interrogatory No. 21. Finally, Respondent objects to this Interrogatory to the extent that the answers sought can be ascertained by plaintiff from documents to be produced to plaintiff pursuant to Plaintiff's First Set of Requests for Production. Subject to and without waiving these specific objections or its General Objections, Respondent responds that the information requested by this Interrogatory may be ascertained or derived from Warrick's business records to be produced in this case, and the burden of deriving or ascertaining the answer is substantially the same for the requesting party as for the responding party. These business records will be produced pursuant to Plaintiff's First Set of Requests for Production.

24. For each of your Subject Drugs, provide each applicable NDC code, and if applicable, the Healthcare Common Procedure Coding System ("HCPCS") code, the NDC crosswalk by HCPCS code, and the NDC codes of any Competing Pharmaceutical billable under the HCPCS code(s) for each of the Subject Drugs. For each HCPCS code identified, identify:

- a) All documents that relate to the HCPCS code applicable to each of your Subject Drugs; and
- b) All documents that relate to the HCPCS code applicable to any Competing Pharmaceutical where the HCPCS code also includes a Subject Drug.

Response to Interrogatory No. 24:

In addition to the General Objections set forth above, Respondent objects to Interrogatory No. 24 because it seeks information not relevant to the subject matter involved in the pending action, including the claim or defense of any party in this litigation, and not reasonably calculated to lead to the discovery of admissible evidence. Respondent objects to Interrogatory No. 24 to the extent that it: (i) is not limited to Competing Pharmaceuticals sold in Kentucky; (ii) is not limited in time; and (iii) requires Respondent to identify “[a]ll documents that relate to the HCPCS code,” a code which was not in use during the time period relevant to this litigation. Respondent further objects to this Interrogatory to the extent that it is duplicative and cumulative of Interrogatory Nos. 16-17 and 19-21. Finally, Respondent objects to this Interrogatory to the extent that the answers sought can be ascertained by plaintiff from public documents and/or the documents to be produced to plaintiff pursuant to Plaintiff’s First Set of Requests for Production. Subject to and without waiving these specific objections or its General Objections, Respondent responds to this Interrogatory as follows:

A list of the NDC codes for Warrick’s Subject Drugs for the period 1998 through 2004 includes:

NDC Code	PRODUCT DESCRIPTION
59930-1500-08	ALBUTEROL SULFATE INHALATION SOLUTION 0.83MG/ML 25X 3ML WARRICK

NDC Code	PRODUCT DESCRIPTION
59930-1500-06	ALBUTEROL SULFATE INHALATION SOLUTION 0.83MG/ML 60X 3ML WARRICK
59930-1515-04	ALBUTEROL SULFATE USP SOLUTION FOR INHALATION 5MG/ML 20ML BOTTLE
59930-1560-01	ALBUTEROL USP INHALATION AEROSOL 90MCG 17G CANISTER WARRICK
59930-1560-02	ALBUTEROL USP INHALATION AEROSOL REFILL 90MCG 17G CANISTER WARRICK
59930-1801-01	CIMETIDINE TABLETS 300MG 100 PER PACKAGE WARRICK
59930-1802-02	CIMETIDINE TABLETS 400MG 500 PER PACKAGE WARRICK
59930-1802-03	CIMETIDINE TABLETS 400MG 1000 PER PACKAGE WARRICK
59930-1802-01	CIMETIDINE TABLETS 400MG 100 PER PACKAGE WARRICK
59930-1600-01	PERPHENAZINE TABLETS USP 2MG 100 PER BOTTLE WARRICK
59930-1603-01	PERPHENAZINE TABLETS USP 4MG 100 PER BOTTLE WARRICK
59930-1605-01	PERPHENAZINE TABLETS USP 8MG 100 PER BOTTLE WARRICK
59930-1601-01	PERPHENAZINE TABLETS USP 16MG 100 PER BOTTLE WARRICK
59930-1587-01	ISOSORBIDE MONONITRATE EXTENDED RELEASE TABLETS 120MG 100 PER BOTTLE
59930-1502-01	ISOSORBIDE MONONITRATE EXTENDED RELEASE TABLETS 30MG 100 PER BOTTLE
59930-1549-01	ISOSORBIDE MONONITRATE EXTENDED RELEASE TABLETS 60MG 100 PER BOTTLE

Business records identifying the NDC codes for Warrick's Subject Drugs will be produced pursuant to Plaintiff's First Set of Requests for Production.

25. For each of your Subject Drugs, identify:
- a) The New Drug Application or Abbreviated New Drug Application identification number assigned;
 - b) The United States Patent Number(s) assigned;
 - c) The expiration dates of all patents; and
 - d) The new drug product exclusivity period.

Response to Interrogatory No. 25:

In addition to the General Objections set forth above, Respondent objects to Interrogatory No. 25 because it seeks information not relevant to the subject matter involved in the pending action, including the claim or defense of any party in this litigation, and not reasonably calculated to lead to the discovery of admissible evidence.

Respondent further objects to the Interrogatory to the extent that answers sought can be ascertained by the plaintiff from public documents.

26. Describe your corporate structure and/or organization for:
- a) The marketing of your Pharmaceuticals, including your Subject Drugs;
 - b) Pricing of your Pharmaceuticals, including your Subject Drugs;
 - c) Communications with Publishers;
 - d) Contracts with purchasers; and
 - e) Communications with governmental entities.

Please provide the organizational chart(s) applicable for each above-referenced function.

Response to Interrogatory No. 26:

In addition to the General Objections set forth above, Respondent objects to Interrogatory No. 26 because it is overly broad, unduly burdensome, and seeks information not relevant to the subject matter involved in the pending action, including the claim or defense of any party in this litigation, and not reasonably calculated to lead to the discovery of admissible evidence. Respondent objects to Interrogatory No. 26 to the extent that it: (i) is not limited to the Subject Drugs; and (ii) requires Respondent to “describe” various attributes of its organizational structure. Respondent further objects to this Interrogatory to the extent that the answers sought can be ascertained by plaintiff from documents to be produced to plaintiff pursuant to Plaintiff’s First Set of Requests for Production. Subject to and without waiving these specific objections or its General Objections, Respondent responds to this Interrogatory as follows:

Sales of pharmaceuticals was handled by the Warrick trade directors – Messrs. Al Graf, Walter Gough and Jerome Sherman – in consultation with Mr. Harvey Weintraub,

and to a limited extent by Robert Gloden, a Schering-Plough employee. Contact information for these persons is as follows:

Al Graf
National Sales Manager, 1995 to present
Warrick Pharmaceuticals
1095 Morris Avenue, Union, N.J. 07083

Walter Gough
National Sales Manager, 1993 to present
Warrick Pharmaceuticals
1095 Morris Avenue, Union, N.J. 07083

Jerome Sherman
National Sales Manager, 1995 to present
Warrick Pharmaceuticals
1095 Morris Avenue, Union, N.J. 07083

Robert Gloden
Corporate Account Executive, 1996 to present
Schering Plough Corp.
2000 Galloping Hill Road, Kenilworth, N.J. 07033

Prices were generally set by Warrick's senior management, including Mr. Raman Kapur and Mr. Harvey Weintraub. Contact information for these senior managers is as follows:

Raman Kapur
President of Warrick Pharmaceuticals, 1993 to 2004
Warrick Pharmaceuticals
1095 Morris Avenue, Union, N.J. 07083

Harvey Weintraub
Consultant to Warrick Pharmaceuticals, 1994 to present
Warrick Pharmaceuticals
1095 Morris Avenue, Union, N.J. 07083

Various personnel and departments within Warrick and Schering-Plough Corp. were responsible for communicating pricing information to the various reporting services and governmental entities on behalf of Warrick. A list of employees and departments

who may have knowledge of the pricing information provided to the various reporting services and governmental entities in Kentucky includes but is not limited to:

Harvey Weintraub
Consultant to Warrick Pharmaceuticals, 1994 to present
Warrick Pharmaceuticals
1095 Morris Avenue, Union, N.J. 07083

Sera Oxner
Novartis

B. Michael Kennedy (retired)
Director, Managed Care Financial Services
Schering Plough Corp.
2000 Galloping Hill Road, Kenilworth, N.J. 07033

Rae Ann Hayko
Present employment unknown

Michael Flinn
Present employment unknown

John Van Schaften
Financial Manager, 1996 to present
Warrick Pharmaceuticals
1095 Morris Avenue, Union, N.J. 07083

Janice Brennan
Schering Plough Corp.
2000 Galloping Hill Road, Kenilworth, N.J. 07033

Schering-Plough Corp. Government Office Managers

Schering-Plough Corp. Medicaid Rebates Group

Schering-Plough Corp. Managed Care Organization

Business documents describing Warrick's corporate structure will be produced pursuant to Plaintiff's First Set of Requests for Production.

27. Identify all employees (whether current or former) who had primary, supervisory responsibility for:

- a) The marketing of your Pharmaceuticals, including your Subject Drugs;
- b) Pricing of your Pharmaceuticals, including your Subject Drugs;
- c) Communications with Publishers;
- d) Contracts with purchasers; and
- e) Communications with governmental entities.

Response to Interrogatory No. 27:

In addition to the General Objections set forth above, Respondent objects to Interrogatory No. 27 because it is overly broad, unduly burdensome, and seeks information not relevant to the subject matter involved in the pending action, including the claim or defense of any party in this litigation, and not reasonably calculated to lead to the discovery of admissible evidence. Respondent objects to Interrogatory No. 27 to the extent that it: (i) is not limited to the Subject Drugs; and (ii) requires Respondent to identify “all employees” who “formerly” performed the stated functions. Respondent further objects to this Interrogatory on the ground that its use of the terms “primary” and “supervisory” renders it vague and ambiguous. Finally, Respondent objects to Interrogatory No. 27 to the extent that it is duplicative and cumulative of Interrogatory No. 26. Subject to and without waiving these specific objections or its General Objections, Respondent, relying on what it believes constitutes the terms “primary” and “supervisory,” responds to this Interrogatory as follows:

Sales of pharmaceuticals was primarily handled by the Warrick trade directors – Messrs. Al Graf, Walter Gough and Jerome Sherman – in consultation with Mr. Harvey Weintraub, and to a limited extent by Robert Gloden, a Schering-Plough employee.

Contact information for these persons is as follows:

Al Graf
National Sales Manager, 1995 to present
Warrick Pharmaceuticals
1095 Morris Avenue, Union, N.J. 07083

Walter Gough
National Sales Manager, 1993 to present
Warrick Pharmaceuticals
1095 Morris Avenue, Union, N.J. 07083

Jerome Sherman
National Sales Manager, 1995 to present
Warrick Pharmaceuticals
1095 Morris Avenue, Union, N.J. 07083

Robert Gloden
Corporate Account Executive, 1996 to present
Schering Plough Corp.
2000 Galloping Hill Road, Kenilworth, N.J.

Prices were generally set by Warrick's senior management, including Mr. Raman Kapur and Mr. Harvey Weintraub. Contact information for these senior managers is as follows:

Raman Kapur
President of Warrick Pharmaceuticals, 1993 to 2004
Warrick Pharmaceuticals
1095 Morris Avenue, Union, N.J. 07083

Harvey Weintraub
Consultant to Warrick Pharmaceuticals, 1994 to present
Warrick Pharmaceuticals
1095 Morris Avenue, Union, N.J. 07083

Various personnel and departments within Schering and Schering-Plough Corp. were responsible for communicating pricing information to the various reporting services and governmental entities on behalf of Warrick. A list of employees and departments who may have knowledge of the pricing information provided to the various reporting services and governmental entities in Kentucky includes but is not limited to:

Harvey Weintraub
Consultant to Warrick Pharmaceuticals, 1994 to present
Warrick Pharmaceuticals
1095 Morris Avenue, Union, N.J. 07083

Sera Oxner
Novartis

B. Michael Kennedy (retired)
Director, Managed Care Financial Services
Schering Plough Corp.
2000 Galloping Hill Road, Kenilworth, N.J. 07033

Rae Ann Hayko
Present employment unknown

Michael Flinn
Present employment unknown

John Van Schaffen
Financial Manager, 1996 to present
Warrick Pharmaceuticals
1095 Morris Avenue, Union, N.J. 07083

Janice Brennan
Schering Plough Corp.
2000 Galloping Hill Road, Kenilworth, N.J. 07033

Schering-Plough Corp. Government Office Managers

Schering-Plough Corp. Medicaid Rebates Group

Schering-Plough Corp. Managed Care Organization

Business documents describing Warrick's corporate structure will be produced pursuant to Plaintiff's First Set of Requests for Production.

28. To the extent they had responsibility for Kentucky or a geographic region that included Kentucky, identify all employees (whether current or former) in your sales, marketing, promotion, contracting, customer service, price reporting departments, divisions, or units. For each of the aforementioned departments, divisions or units, please provide all organizational charts or diagrams containing such information.

Response to Interrogatory No. 28:

In addition to the General Objections set forth above, Respondent objects to Interrogatory No. 28 because it is overly broad, unduly burdensome, and seeks information not relevant to the subject matter involved in the pending action, including the claim or defense of any party in this litigation, and not reasonably calculated to lead to the discovery of admissible evidence. Respondent objects to Interrogatory No. 28 to the extent that it requires Respondent to identify "all employees" who "formerly" performed the stated functions. Respondent further objects to this Interrogatory to the extent that it is duplicative and cumulative of Interrogatory No. 26. Respondent further objects to this Interrogatory because its use of the term "customer service" renders it vague and ambiguous. Finally, Respondent objects to this Interrogatory to the extent that the answers sought can be ascertained by plaintiff from documents to be produced to plaintiff pursuant to Plaintiff's First Set of Requests for Production. Subject to and without waiving these specific objections or its General Objections, Respondent, relying on what it believes constitutes the phrase "customer service," responds to this Interrogatory as follows:

Warrick employees who had responsibility for sales, contracting and customer service in Kentucky included:

Jerome Sherman
National Sales Manager, 1995 to present
Warrick Pharmaceuticals
1095 Morris Avenue, Union, N.J. 07083

Harvey Weintraub
Consultant to Warrick Pharmaceuticals, 1994 to present
Warrick Pharmaceuticals
1095 Morris Avenue, Union, N.J. 07083

Warrick also had a Customer Service department. Business documents describing Warrick's corporate structure will be produced pursuant to Plaintiff's First Set of Requests for Production.

29. Regarding your Pharmaceuticals, identify the categories or types of reports, memoranda or other documents/information maintained in the ordinary course of business regarding:

- a) The marketing of your Pharmaceuticals, including your Subject Drugs;
- b) Pricing of your Pharmaceuticals, including your Subject Drugs;
- c) Communications with Publishers;
- d) Contracts with purchasers;
- e) Communications with governmental entities;
- f) AMPs, AWP, ASPs, DPs, WACs, Best Price, and Spreads; and
- g) Sales, cost of sales, revenues, and profits by Pharmaceutical.

To the extent these types of business documents differ for the Subject Drugs, please so indicate, and identify the differences.

Response to Interrogatory No. 29:

In addition to the General Objections set forth above, Respondent objects to Interrogatory No. 29 because it is overly broad, unduly burdensome, and seeks information not relevant to the subject matter involved in the pending action, including the claim or defense of any party in this litigation, and not reasonably calculated to lead to the discovery of admissible evidence. Respondent objects to Interrogatory No. 29 to the extent that it: (i) requires Respondent to identify all "categories or types" of documents Respondent "maintains[s] in the ordinary course of business" concerning the

stated subjects; (ii) requires Respondent to provide information concerning the defined terms ASP and Spread; (iii) requires Respondent to identify Publishers other than those identified by plaintiff in the Amended Complaint; and (iv) is not limited to information concerning the sale, distribution or marketing of Subject Drugs. Respondent further objects to this Interrogatory on the ground that its use of the phrase “ordinary course of business” renders it vague and ambiguous. Finally, Respondent objects to this Interrogatory to the extent that the answers sought can be ascertained by plaintiff from documents to be produced to plaintiff pursuant to Plaintiff’s First Set of Requests for Production. Subject to and without waiving these specific objections or its General Objections, Respondent responds that the information requested by this Interrogatory may be ascertained or derived from Warrick’s business records to be produced in this case, and the burden of deriving or ascertaining the answer is substantially the same for the requesting party as for the responding party. These business records will be produced pursuant to Plaintiff’s First Set of Requests for Production.

30. Identify all electronic computer databases or files in data form maintained by you in the ordinary course of your business related to the manufacture, sale, or marketing of pharmaceuticals during the defined time period. For each electronic computer database or file identified, identify:

- a) The title of all such databases or data files;
- b) The software programs necessary to access and utilize such databases or data files;
- c) The type of information, by category, or field, contained or stored in such database or data file;

- d) The employee whom you believe has the most knowledge of the operation of the database or data file; and
- e) The custodian(s) of such databases or data files.

Response to Interrogatory No. 30:

In addition to the General Objections set forth above, Respondent objects to Interrogatory No. 30 because it is overly broad, unduly burdensome, and seeks information not relevant to the subject matter involved in the pending action, including the claim or defense of any party in this litigation, and not reasonably calculated to lead to the discovery of admissible evidence. Respondent objects to Interrogatory No. 30 to the extent that it: (i) requires Respondent to identify all “computer databases or files in data form” and detailed information with respect thereto; and (ii) is not limited to information concerning the sale, distribution or marketing of Subject Drugs. Respondent further objects to this Interrogatory on the ground that the phrases “ordinary course of business,” “necessary to access,” and “most knowledgeable” are vague and ambiguous. Finally, Respondent objects to this Interrogatory to the extent that the answers sought can be ascertained by plaintiff from documents to be produced to plaintiff pursuant to Plaintiff’s First Set of Requests for Production. Subject to and without waiving these specific objections or its General Objections, Respondent responds that the information requested by this Interrogatory may be ascertained or derived from Warrick’s business records to be produced in this case, and the burden of deriving or ascertaining the answer is substantially the same for the requesting party as for the responding party. These business records will be produced pursuant to Plaintiff’s First Set of Requests for Production.

31. Identify all lawsuits related to misrepresentation of the AWP, WAC or the marketing of the Spread for any of your Pharmaceuticals and identify all of your present and former employees who have been deposed in each lawsuit. For each lawsuit and/or individual identified provide:

- a) The date, caption, docket number, and name of the case;
- b) The name and location of the court;
- c) The date and location of the deposition; and
- d) The name and address of the plaintiffs attorney.

Response to Interrogatory No. 31:

In addition to the General Objections set forth above, Respondent objects to Interrogatory No. 31 because it is overly broad, unduly burdensome, and seeks information not relevant to the subject matter involved in the pending action, including the claim or defense of any party in this litigation, and not reasonably calculated to lead to the discovery of admissible evidence. Respondent objects to Interrogatory No. 31 to the extent that it: (i) is not limited to information concerning lawsuits involving the AWP's or WACs for Subject Drugs in Kentucky; and (ii) seeks information concerning the term Spread which, as defined and used in the Interrogatory, renders the Interrogatory vague and ambiguous.

Subject to and without waiving these specific objections or its General Objections, Respondent responds to this Interrogatory as follows:

Respondent is named as a defendant in the following lawsuits, all of which involve allegations concerning Respondent's use of AWP's and other pharmaceutical pricing:

CAPTION	CASE NO.	COURT
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CAPTION	CASE NO.	COURT
Rice v. Abbott Labs., et al.	C-02-3925	District Court for the Northern District of California
Thompson v. Abbott Labs., et al.	C-02-4450-BZ	District Court for the Northern District of California
Turner v. Abbott Labs., et al.	C-02-5006-BZ	District Court for the Northern District of California
Congress of California Seniors v. Abbott Labs., et al.	CV-028179-AHM	District Court for the Central District of California
State of Connecticut v. Dey, Inc., et al.	3:03CV572 (DJS)	District Court for the District of Connecticut
Commonwealth of Massachusetts v. Mylan Labs., et al.	03-CV-11865-PBS	District Court for the District of Massachusetts
The State of Montana v. Abbott Labs., et al.	CV-02-09-H-DWM	District Court for the District of Montana
Twin Cities Bakery Workers Health and Welfare Fund, et al. v. Warrick Pharmaceuticals, et al.	CV-N-01-06666-HDM-VPC	District Court for the District of Nevada
International Union of Operating Engineers v. AstraZeneca PLC, et al.	03-3230 (SRC)	District Court for the District of New Jersey
County of Suffolk v. Abbott Labs., et al.	CV-03-229	District Court for the Eastern District of New York
County of Winchester v. Abbott Labs., et al.	03 CV 6178 (CM)	District Court for the Southern District of New York
County of Rockland v. Abbott Labs., et al.	03 CV 6178 (CM)	District Court for the Southern District of New York
Commonwealth of Kentucky v. Warrick Pharmaceuticals, et al.	03-CI-1135	Commonwealth of Kentucky, Franklin Circuit Court
State of Arkansas v. Dey, Inc., et al.	CV-04-634	Circuit Court of Pulaski County, Arkansas
State of Ohio v. Dey, Inc., et al.	A0402047	Court of Common Pleas, Hamilton County, Ohio
The State of Florida v. Boehringer Ingelheim Corp., et al.	98-3032A	Court of the Second Judicial Circuit in and for Leon County, Florida
State of Minnesota v. Warrick Pharmaceuticals, et al.	MC03-14691	State of Minnesota, County of Hennepin District Court, Fourth Judicial District
State of Nevada v. Abbott Labs., et al.	CV02-00260	Second Judicial District Court of the State of Nevada in and for the County of Washoe
Swanston v. TAP Pharmaceutical Products, Inc., et al.	CV-2002-004988	Superior Court of the State of Arizona in and for the County of Maricopa
Digel v. Abbott Labs., et al.	03-2190-MA	Circuit Court of Tennessee for the Thirtieth Judicial District of Memphis
State of West Virginia v. Warrick Pharmaceuticals, et al.	01-C-3011	Circuit Court of Kanawha County, West Virginia
State of Wisconsin v. Abbott Laboratories, et al.	04CV1709 Unclassified Civil 30703	Circuit Court of Dane County, Wisconsin
Cliffside Nursing Home Inc. v. Dey, Inc., et al.	UNN-L-2329-04	Superior Court of New Jersey, Union County

CAPTION	CASE NO.	COURT
The State of Texas v. Dey, Inc., et al.	GV002327	District Court of Travis County, Texas, Fifty Third Judicial District
In re Pharmaceutical Industry Average Wholesale Price Litigation	MDL No. 1456 C.A. 01-CV-12257-PBS	District Court for the District of Massachusetts
Commonwealth of Pennsylvania v. Tap Pharmaceutical Products, Inc., et al.	212 MD 2004	Commonwealth Court of Pennsylvania
State of Nevada v. American Home Products Corp., et al.	CVN-02-0202-ECR	District Court for the District of Nevada
City of New York v. Abbott Laboratories, Inc., et al.	04 CV 06054	District Court for the Southern District of New York

The following present and former Warrick employees have been deposed in connection with the above-referenced lawsuits:

EMPLOYEE & CASE	DATE & LOCATION OF DEPOSITION	PLAINTIFF'S ATTORNEY
Walter Gough The State of Texas v. Dey, Inc., et al.	Taken February 6, 2003, at 2200 Ross Avenue, Suite 2200, Dallas, Texas	Susan Miller, OAG, Texas, P.O. Box. 12548, Austin, TX 12548 Jarrett Anderson, Attorney at Law, 2411 Hartford Road, Austin, TX 78703
Al Graf The State of Texas v. Dey, Inc., et al.	Taken February 11-12, 2003, at 4 Gateway Center, 100 Mulberry St., Newark, New Jersey	Susan Miller, OAG, Texas, P.O. Box. 12548, Austin, TX 12548 Joseph Crawford, Wright & Greenhill PC, 221 West 6 th Street, Suite 1800, Austin, TX 78701 Jarrett Anderson, Attorney at Law, 2411 Hartford Road, Austin, TX 78703
Raman Kapur The State of Texas v. Dey, Inc., et al.	Taken March 7, 2002, at 4 Gateway Center, 100 Mulberry St., Newark, New Jersey	Michael Winget-Hernandez, OAG, Texas, 300 West 15 th Street, Austin, TX 78711 Joseph Crawford, Wright & Greenhill PC, 221 West 6 th Street, Suite 1800, Austin, TX 78701 Jarrett Anderson, Attorney at Law, 2411 Hartford Road, Austin, TX 78703 James Breen, The Breen Law Firm, 300 West 15 th Street, Austin, TX 78711 Joy Clairmont, Berger & Montague, 1622 Locust Street, Philadelphia, PA 19103 John Clark, Goode Casseb Jones Riklin, 2122 N. Main Ave., San Antonio, TX 78212

EMPLOYEE & CASE	DATE & LOCATION OF DEPOSITION	PLAINTIFF'S ATTORNEY
Louis E. Manfredi The State of Texas v. Dey, Inc., et al.	Taken March 31, 2003, at 901 Spring Street, The Library Suite, Elizabeth, New Jersey	Susan Miller, OAG, Texas, P.O. Box. 12548, Austin, TX 12548 Jarrett Anderson, Attorney at Law, 2411 Hartford Road, Austin, TX 78703
Jerome Sherman The State of Texas v. Dey, Inc., et al.	Taken March 6, 2002, at 4 Gateway Center, 100 Mulberry St., Newark, New Jersey	Michael Winget-Hernandez, OAG, Texas, 300 West 15 th Street, Austin, TX 78711 Joseph Crawford, Wright & Greenhill PC, 221 West 6 th Street, Suite 1800, Austin, TX 78701 Jarrett Anderson, Attorney at Law, 2411 Hartford Road Austin, TX 78703 James Breen, The Breen Law Firm, 300 West 15 th Street, Austin, TX 78711 Joy Clairmont, Berger & Montague, 1622 Locust Street, Philadelphia, PA 19103 John Clark, Goode Casseb Jones Riklin, 2122 N. Main Ave., San Antonio, TX 78212
John Van Schaften The State of Texas v. Dey, Inc., et al.	Taken March 8, 2002, at 4 Gateway Center, 100 Mulberry St., Newark, New Jersey	Michael Winget-Hernandez, OAG, Texas, 300 West 15 th Street, Austin, TX 78711 Joseph Crawford, Wright & Greenhill PC, 221 West 6 th Street, Suite 1800, Austin, TX 78701 Jarrett Anderson, Attorney at Law, 2411 Hartford Road, Austin, TX 78703 James Breen, The Breen Law Firm, 300 West 15 th Street, Austin, TX 78711 Joy Clairmont, Berger & Montague, 1622 Locust Street, Philadelphia, PA 19103 John Clark, Goode Casseb Jones Riklin, 2122 N. Main Ave., San Antonio, TX 78212

EMPLOYEE & CASE	DATE & LOCATION OF DEPOSITION	PLAINTIFF'S ATTORNEY
Harvey Weintraub The State of Texas v. Dey, Inc., et al.	Taken November 7-8, 2001, at 4 Gateway Center, 100 Mulberry St., Newark, New Jersey	Michael Winget-Hernandez, OAG, Texas, 300 West 15 th Street, Austin, TX 78711 Joseph Crawford, Wright & Greenhill PC, 221 West 6 th Street, Suite 1800, Austin, TX 78701 Jarrett Anderson, Attorney at Law, 2411 Hartford Road, Austin, TX 78703 James Breen, The Breen Law Firm, 300 West 15 th Street, Austin, TX 78711 Joy Clairmont, Berger & Montague, 1622 Locust Street, Philadelphia, PA 19103 John Clark, Goode Casseb Jones Riklin, 2122 N. Main Ave., San Antonio, TX 78212
Harvey Weintraub The State of Texas v. Dey, Inc., et al.	Taken February 12-13, 2003, at 4 Gateway Center, 100 Mulberry St., Newark, New Jersey	Susan Miller, OAG, Texas, P.O. Box. 12548, Austin, TX 12548 Joseph Crawford, Wright & Greenhill PC, 221 West 6 th Street, Suite 1800, Austin, TX 78701 Jarrett Anderson, Attorney at Law, 2411 Hartford Road, Austin, TX 78703
Harvey Weintraub The State of Texas v. Dey, Inc., et al.	Taken March 6, 2003, at 2200 Ross Ave., Suite 2200, Dallas, Texas	Susan Miller, OAG, Texas, P.O. Box. 12548, Austin, TX 12548 Jarrett Anderson, Attorney at Law, 2411 Hartford Road, Austin, TX 78703
Harvey Weintraub The State of Texas v. Dey, Inc., et al.	Taken February 26, 2004, at 2000 Galloping Hill Road, Kenilworth, New Jersey	Michael Winget-Hernandez, OAG, Texas, 300 West 15 th Street, Austin, TX 78711 Jarrett Anderson, Attorney at Law, 2411 Hartford Road, Austin, TX 78703 James Breen, The Breen Law Firm, 300 West 15 th Street, Austin, TX 78711
Tom Kelley In re Pharmaceutical Industry Average Wholesale Price Litigation	Taken June 15, 2004, at 2000 Galloping Hill Road, Kenilworth, New Jersey	Sean R. Matt, Hagens Berman LLP, 1301 Fifth Avenue, Suite 2929, Seattle, WA 98101
Deborah Kane In re Pharmaceutical Industry Average Wholesale Price Litigation	Taken June 15, 2004, at 2000 Galloping Hill Road, Kenilworth, New Jersey	Sean R. Matt, Hagens Berman LLP, 1301 Fifth Avenue, Suite 2929, Seattle, WA 98101

32. Identify and describe your policies and procedures for the retention and destruction of documents.

Response to Interrogatory No. 32:

In addition to the General Objections set forth above, Respondent objects to Interrogatory No. 32 because it is overly broad, unduly burdensome, and seeks information not relevant to the subject matter involved in the pending action, including the claim or defense of any party in this litigation, and not reasonably calculated to lead to the discovery of admissible evidence. Respondent objects to this Interrogatory to the extent that the answers sought can be ascertained by plaintiff from the documents to be produced pursuant to Plaintiff's First Set of Requests for Production. Subject to and without waiving these specific objections or its General Objections, Respondent responds that the information requested by this Interrogatory may be ascertained or derived from Warrick's business records to be produced in this case, and the burden of deriving or ascertaining the answer is substantially the same for the requesting party as for the responding party. These business records will be produced pursuant to Plaintiff's First Set of Requests for Production.

33. Identify each audit, study, survey, analysis or investigation of the Spreads, AWP's, WACs, ASPs, DPs or prices paid by the Medicare Part B or Medicaid programs or the Medical Assistance Program for your Pharmaceuticals, including but not limited to, the date, scope, author(s), results, and actions taken in response. Additionally, identify each document that relates to any such audit, study, survey, analysis, or investigation.

Response to Interrogatory No. 33:

In addition to the General Objections set forth above, Respondent objects to Interrogatory No. 33 because it is overly broad, unduly burdensome, and seeks information not relevant to the subject matter involved in the pending action, including the claim or defense of any party in this litigation, and not reasonably calculated to lead to the discovery of admissible evidence. Respondent objects to Interrogatory No. 33 to the extent that it: (i) seeks information concerning the term Spread which, as defined and used in the Interrogatory, renders the Interrogatory vague and ambiguous; (ii) seeks information concerning the defined term ASP because ASPs are wholly unrelated to the Medicaid reimbursement system upon which plaintiff basis its claims and such information falls outside the time period of this case; (iii) is not limited to information concerning the Subject Drugs; (iv) is not limited to Kentucky; (v) requires Respondent to identify “[e]ach audit, study, survey, analysis or investigation” relating to the stated subjects conducted within the relevant time period; and (vi) requires Respondent to identify “each document that relates to any . . . audit, study, survey, analysis or investigation.” Subject to and without waiving these specific objections or its General Objections, Respondent responds to this Interrogatory by stating that it is not aware of any non-privileged audit, study, survey, analysis or investigation of prices paid by the Medicare Part B or Medicaid programs or the Medical Assistance Program for your Pharmaceuticals.

34. Describe your corporate structure, identifying all domestic and/or foreign parents and any other affiliated company, subsidy, division, joint venture or other entity having at least 10% ownership interest in you, or in which you have at least a 10% ownership interest.

Response to Interrogatory No. 34:

Subject to its General Objections, Respondent responds to this Interrogatory by stating that Warrick is a wholly-owned subsidiary of Schering Corporation.

35. Identify and describe in detail all instructions, guidance, criteria, and policies or sales materials given in written, verbal, electronic or other form, to any person or entity relating in any way to marketing, sales, advertising or promotional efforts in which the difference between Actual Price(s), WAC, AWP, AMP, DP, ASP, SWP, Best Price, or Reimbursement Price(s) were mentioned, or referred to.

Response to Interrogatory No. 35:

In addition to the General Objections set forth above, Respondent objects to Interrogatory No. 35 because its use of the phrase “promotional efforts” renders it vague and ambiguous. Respondent further objects to this Interrogatory because its use of the phrases “all instructions, guidance, criteria, and policies or sales materials” renders it vague and ambiguous, and incapable of accurate response. Respondent further objects to this Interrogatory because it is overly broad and apparently seeks information beyond information relevant to the subject matter involved in the pending action, including the claim or defense of any party in this litigation, and is not reasonably calculated to lead to the discovery of admissible evidence. Respondent further objects to Interrogatory No. 35 to the extent that it: (i) seeks information concerning the defined term ASP because ASPs are wholly unrelated to the Medicaid reimbursement system upon which plaintiff basis its claims and such information falls outside the time period of this case; (ii) is not limited to information concerning the Subject Drugs; and (iii) is not limited to Kentucky. Respondent further objects to this Interrogatory as unduly burdensome to Respondent, including in particular its apparent directive to “[i]dentify and describe in detail”

essentially every communication to anyone in any form that in any way relates to “marketing, sales, advertising or promotional efforts” in which prices were “mentioned, or referred to.”

Subject to and without waiving these specific objections or its General Objections, Respondent responds to this Interrogatory by stating that it is not aware of any communication directed at any Warrick employee in which the difference between Actual Price(s), WAC, AWP, AMP, DP, ASP, SWP, Best Price, or Reimbursement Price(s) was mentioned or referred to.

36. Describe all actions taken, and identify all persons or entities taking such action, to modify AWP, AMP, WAC, or Best Price for the Subject Drugs since you became aware of any federal or state investigations into your price reporting practices. Identify all documents relating to, discussing or referring to any such investigation or corrective action and describe those documents to the extent they are not protected by a valid privilege.

Response to Interrogatory No. 36:

In addition to the General Objections set forth above, Respondent objects to Interrogatory No. 36 as overly broad and unduly burdensome to the extent that it is not limited to Kentucky. Respondent further objects to the use in this Interrogatory of the phrase “corrective action” and the apparent attempt in the Interrogatory to use this phrase to characterize and impose conclusions regarding the subject of the phrase “all actions taken.” Respondent further objects to Interrogatory No. 36 because it is not reasonably calculated to lead to the discovery of admissible evidence and appears designed to seek to elicit privileged information to the extent that it requires Respondent to identify

“corrective action” taken after Respondent “became aware of any federal or state investigations into [its] price reporting practices.”

Subject to and without waiving these specific objections or its General Objections, Respondent responds to this Interrogatory by stating that it is not aware of any action taken to reduce AWP in reaction to any event.

37. Identify and describe all documents that relate to, refer to, or arise from any instance in which you, or a person or entity acting on your behalf, provided free Pharmaceuticals to any health care provider in Kentucky which provided services to Medicaid patients and was not a licensed physician, including any pharmacy or home care company. Identify all persons and entities participating in or with knowledge of such transfer of free Pharmaceuticals.

Response to Interrogatory No. 37:

In addition to the General Objections set forth above, Respondent objects to Interrogatory No. 37 as overly broad, unduly burdensome, and seeking information not relevant to the subject matter involved in the pending action, including the claim or defense of any party in this litigation, and not reasonably calculated to lead to the discovery of admissible evidence. Respondent further objects to Interrogatory No. 37 to the extent that it is not limited to information concerning the Subject Drugs. Respondent further objects to this Interrogatory on the ground that its use of the term “knowledge” renders it vague and ambiguous.

Subject to and without waiving these specific objections or its General Objections, Respondent, relying on what it understands constitutes the term “knowledge,” responds by stating that it is not aware of any instances in which Warrick

provided free Pharmaceuticals to any health care provider in Kentucky which provided services to Medicaid patients and was not a licensed physician.

38. Please identify and describe each and every instance when you provided any form of bonus, Chargeback, loyalty bonus, rebate, free goods, off invoice price arrangement, educational grants, samples, administration payment, or other thing of value to any Kentucky Customer that purchased your Pharmaceuticals within the Defined Time Period.

Response to Interrogatory No. 38:

In addition to the General Objections set forth above, Respondent objects to Interrogatory No. 38 because its use of the phrases “loyalty bonus,” “rebate,” “free good,” “off invoice price arrangement,” “educational grant,” “sample,” “administration payment,” and “other thing of value” render it vague and ambiguous and incapable of accurate response. Respondent further objects to this Interrogatory because it is unduly burdensome, overly broad and seeks information beyond information relevant to the subject matter involved in the pending action, including the claim or defense of any party in this litigation, and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these specific objections or its General Objections, Respondent states that some information requested by this Interrogatory may be ascertained or derived from Warrick’s business records to be produced in this case, and the burden of deriving or ascertaining the answer is substantially the same for the requesting party as for the responding party. These business records will be produced pursuant to Plaintiff’s First Set of Requests for Production.

39. Identify and describe arrangements, contracts, agreements, and business relationships, whether express or implied, written or oral, between you and other drug manufacturers that relate in any way to the Subject Drugs. Also identify and describe all documents relating to or referring to such relationships, including contracts, correspondence, New Drug Applications, Abbreviated New Drug Applications, FDA approvals and accounting records, worksheets, statements, reports, and other documents relating to or reflecting financial information.

Response to Interrogatory No. 39:

In addition to the General Objections set forth above, Respondent objects to Interrogatory No. 39 because its use of the terms “arrangement,” “business relationships,” and “relating to or reflecting financial information” render it vague and ambiguous and incapable of accurate response. Respondent further objects to this Interrogatory because it is unduly burdensome, overly broad and seeks information beyond information relevant to the subject matter involved in the pending action, including the claim or defense of any party in this litigation, and is not reasonably calculated to lead to the discovery of admissible evidence. Respondent further objects to Interrogatory No. 39 to the extent that it (i) is not limited to Kentucky; and (ii) requires Respondent to identify “all documents relating to ... relationships.”

Subject to and without waiving these specific objections or its General Objections, Respondent states that some information requested by this Interrogatory may be ascertained or derived from Warrick’s business records to be produced in this case, and the burden of deriving or ascertaining the answer is substantially the same for the

requesting party as for the responding party. These business records will be produced pursuant to Plaintiff's First Set of Requests for Production.

40. Identify and describe all communications of any kind with HCFA (CMS) regarding your Medicaid Rebate Agreement and any information or representations about calculation of Medicaid rebates for all Subject Drugs, including any requests by you for clarification(s) regarding your obligations as to your classification of each of the Subject Drugs as a "multisource innovator," "single source," or "non-innovator multi-source drug."

Response to Interrogatory No. 40:

In addition to the General Objections set forth above, Respondent objects to Interrogatory No. 40 because its use of the phrases "multisource innovator," "single source," and "non-innovator multi-source drug" render it vague and ambiguous and incapable of accurate response. Respondent further objects to this Interrogatory because it is unduly burdensome, overly broad and seeks information beyond information relevant to the subject matter involved in the pending action, including the claim or defense of any party in this litigation, and is not reasonably calculated to lead to the discovery of admissible evidence. Respondent further objects to Interrogatory No. 40 to the extent that it (i) is not limited to Kentucky; and (ii) purports to require Respondent to "[i]dentify and describe all communications of any kind with HCFA (CMS)" on vaguely and ambiguously described topics. Respondent further objects to this Interrogatory to the extent that the answers can be ascertained by plaintiff from public documents and/or the documents to be produced to plaintiff pursuant to Plaintiff's First Set of Requests for Production (to which this Interrogatory is cumulative).

Subject to and without waiving these specific objections or its General Objections, information requested by this Interrogatory, if any, may be ascertained or derived from Warrick's business records to be produced in this case, and the burden of deriving or ascertaining the answer is substantially the same for the requesting party as for the responding party. These business records will be produced pursuant to Plaintiff's First Set of Requests for Production.

41. For the Subject Drugs on a quarterly basis during the Defined Time Period, list all "net," "dead net," "net-net," "wholesale net," or any other price term or price designation which is reduced by a discount rebate, bonus, or chargeback, paid to you by the following wholesalers: Bergen Brunswig, Cardinal Health, AmeriSource, McKesson (and/or McKesson HBOC or McKesson Corporation), Bindley Western, J.J. Balan and Anda.

Response to Interrogatory No. 41:

In addition to the General Objections set forth above, Respondent objects to Interrogatory No. 41 because the different interpretations of the terms "net," "dead net," "net-net" and "wholesale net" render it incapable of accurate response. Respondent further objects to this Interrogatory because it is unduly burdensome, overly broad and seeks information beyond information relevant to the subject matter involved in the pending action, including the claim or defense of any party in this litigation, and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these specific objections or its General Objections, Respondent responds to this Interrogatory by stating that it is not aware of

any instance in which a price term or price designation reduced by a discount rebate, bonus, or chargeback, was paid to Warrick by any wholesaler.

Respectfully submitted,

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By: 

Palmer G. Vance II

COUNSEL FOR DEFENDANTS,
WARRICK PHARMACEUTICALS CORP.,
SCHERING-PLOUGH CORP., AND
SCHERING CORP.

I hereby certify that the foregoing responses are true and correct to the best of my knowledge, information and belief.

Harvey Weintraub
Harvey Weintraub

STATE OF New Jersey:

COUNTY OF Union:

Subscribed and sworn to before ^{me by [initials] 15 NOV 2004} ~~my~~ ^{me} Harvey Weintraub on this 15th day of November, 2004.

My commission expires:

SUSAN T. SURDICH
A Notary Public State of New Jersey
My Commission Expires 7/18/2008
2008 [initials]

Susan T. Surdich
NOTARY PUBLIC



CERTIFICATE OF SERVICE

This will certify that a true and correct copy of the foregoing was served by hand delivery to the following on this 15th day of November 2004:

Mr. C. David Johnstone
OFFICE OF THE ATTORNEY GENERAL
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Frankfort, KY 40601
COUNSEL FOR PLAINTIFF

and by first class mail, postage prepaid, to the following on this 15th day of November 2004:

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