

THE STATE OF TEXAS	§	IN THE DISTRICT COURT OF
	§	
<i>ex rel.</i>	§	
VEN-A-CARE OF THE	§	
FLORIDA KEYS, INC.	§	
	§	
<i>Plaintiffs,</i>	§	
	§	
v.	§	TRAVIS COUNTY, TEXAS
	§	
ABBOTT LABORATORIES INC.,	§	
B. BRAUN MEDICAL INC., AND	§	
BAXTER HEALTHCARE	§	
CORPORATION	§	
	§	
<i>Defendants.</i>	§	201 st JUDICIAL DISTRICT

**ABBOTT LABORATORIES INC.'S RESPONSES
TO PLAINTIFFS' SECOND REQUESTS FOR PRODUCTION**

TO: Plaintiff The State of Texas, by and through Raymond C. Winter, Assistant Attorney General, P.O. Box 12548, Austin, Texas 78711.

Plaintiff Ven-A-Care of the Florida Keys, Inc., by and through its attorneys of record, John E. Clark, Goode Casseb Jones Riklin Choate & Watson, 2122 North Main Avenue, P.O. Box 120480, San Antonio, Texas 78212-9680, and James J. Breen, The Breen Law Firm, P.A., P.O. Box 297470, Pembroke Pines, Florida 33029-7470.

Defendant Abbott Laboratories Inc. ("Abbott") responds to Plaintiffs' Second Requests for Production ("Requests") as follows:

PRELIMINARY STATEMENT & OBJECTIONS

1. In responding to these Requests, Abbott will search for and produce information and documents from the group at Abbott responsible for selling and marketing Abbott's drugs listed in Exhibit A to the Second Amended Petition to non-hospitals, from the group at Abbott responsible for communicating with the State of Texas, including the Texas Vendor Drug Program, regarding Abbott's drugs listed in Exhibit A to the Second Amended Petition, and from

sales representatives responsible for selling and marketing Abbott's drugs listed in Exhibit A to the Second Amended Petition in Texas.

2. Abbott's investigation for information responsive to Plaintiffs' Requests continues, and its responses to these Requests are based on information available at this time. Abbott reserves the right to supplement and/or amend these responses (and its production of documents) at any time prior to trial.

3. Where Abbott states herein that it will produce or has produced documents in accordance with the Texas Rules of Civil Procedure, it will produce such documents to the extent that they exist and can be reasonably obtained. By stating that Abbott will produce any documents or things responsive to a particular request, Abbott does not represent that any such documents or things exist or are within its possession, custody or control. Abbott's responses are limited to documents within its possession, custody and control.

4. Abbott's specific objections to each request are in addition to the objections set forth in this and subsequent sections, which form a part of the response to each and every request and are set forth here to avoid the duplication and repetition of restating them for each response.

5. The information and documents supplied herein are for use in this litigation and for no other purpose.

6. To the extent that Abbott states that it will make certain documents available to Plaintiffs, such documents will be made available to Plaintiffs after the entry of an appropriate Protective Order by the Court.

7. Abbott objects to these Requests because they are overly broad and unduly burdensome to the extent they exceed the scope of discovery permitted under the Texas Rules of Civil Procedure.

8. Abbott objects to these Requests because they are overly broad, unduly burdensome, not relevant to the subject matter of this action, and not reasonably calculated to lead to the discovery of admissible evidence to the extent they seek documents and information relating to drugs other than Abbott's drugs listed in Exhibit A to the Second Amended Petition and to the extent they seek documents and information regarding drugs that are not reimbursed by Texas Medicaid. Abbott further objects to these Requests because they are overly broad, unduly burdensome, not relevant to the subject matter of this action, and not reasonably calculated to lead to the discovery of admissible evidence to the extent they seek documents and information relating to a thirteen-year time period that extends far beyond the period for which Plaintiffs seek damages. Many of these broad and burdensome Requests amount to harassment, and it is egregious that Plaintiffs have so blatantly sought documents and information that are clearly not relevant to the subject matter of this action. Plaintiffs have also asked for documents that are clearly privileged, which is yet another indication of the harassing nature of these Requests.

9. Abbott objects to these Requests because they are overly broad, unduly burdensome, not relevant to the subject matter of this action, and not reasonably calculated to lead to the discovery of admissible evidence to the extent they seek documents and information relating to sales outside of the State of Texas. Unless otherwise noted, all responses are limited to activities within the State of Texas.

10. Abbott objects to these Requests because they are overly broad, unduly burdensome, not relevant to the subject matter of this action, and not reasonably calculated to lead to the discovery of admissible evidence to the extent they seek documents and information relating to sales to hospitals. To the best of Abbott's knowledge, Texas Medicaid does not

separately reimburse hospitals for drugs administered to in-patients, but instead pays hospitals an all-inclusive per diem amount. Unless otherwise noted, to the extent a request seek information relating to Abbott's sales, Abbott's responses are limited to sales to non-hospital providers.

11. Abbott objects to these Requests because they are overly broad, unduly burdensome, not relevant to the subject matter of this action, and not reasonably calculated to lead to the discovery of admissible evidence to the extent they seek documents relating to Medicare and other health insurance programs not at issue in this action. Unless otherwise indicated, Abbott will only produce documents relating to the Texas Medicaid program and the federal Medicaid program generally, of which Texas is a part.

12. Abbott objects to these Requests because they are overly broad, unduly burdensome, not relevant to the subject matter of this action, and not reasonably calculated to lead to the discovery of admissible evidence to the extent they seek documents relating to the Medicaid Rebate Program. Abbott will not produce documents relating to the Medicaid Rebate Program, because Plaintiffs have not asserted a claim relating to that program.

13. Abbott objects to these Requests because they are overly broad, unduly burdensome, vague and ambiguous to the extent they contain any implications and/or explicit or implicit characterizations of the facts, events, circumstances, or issues addressed in these Requests. Any response by Abbott is not intended to indicate that Abbott agrees with any such implications or characterizations, or that such implications or characterizations are relevant to the subject matter of this action or reasonably calculated to lead to the discovery of admissible evidence.

OBJECTIONS TO DEFINITIONS

1. Abbott objects to the definition of “Abbott Entity,” “Abbott,” “you” or “your company” because it is overly broad, unduly burdensome and seeks information that is neither

relevant to the subject matter of this action nor reasonably calculated to lead to the discovery of admissible evidence. Abbott will respond on behalf Abbott Laboratories, Inc., the defendant in this action, and Abbott Laboratories, the parent of the defendant.

2. Abbott objects to the definition of “Identified Drugs” because it is overly broad, unduly burdensome and seeks information that is neither relevant to the subject matter of this action nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiffs have identified twenty-two pages of drugs for which they seek discovery. But many of these drugs have not been named in the Second Amended Petition and thus are not at issue in this action. Abbott further objects to the extent the requests seek documents and information regarding drugs that are not reimbursed by Texas Medicaid. Abbott will produce documents and information related only to Abbott’s drugs listed in Exhibit A to the Second Amended Petition.

3. Abbott objects to the definition of “Person” because it is vague and ambiguous.

4. Abbott objects to the definition of “Communication” because it is vague and ambiguous, overly broad and to the extent it seeks information protected by the attorney-client privilege, the attorney work-product doctrine, the consulting expert privilege, or any other applicable privilege, rule or doctrine.

5. Abbott objects to the definition of “Meeting” because it is vague, ambiguous, overly broad and unduly burdensome to the extent it seeks information regarding any discussion between two or more persons.

6. Abbott objects to the definition of “Document” because it is vague and ambiguous, because it is unduly burdensome, and to the extent that it exceeds or fails to comply with the requirements of the Texas Rules of Civil Procedure, including Rule 196.4.

7. Abbott objects to the definitions of “Referring to,” “relating to,” “reflecting,” regarding” and “with respect to” because they render the Requests overly broad, vague, and ambiguous.

8. Abbott objects to the definitions of “Price,” “prices,” and/or “pricing” because they render the Requests overly broad, vague, and ambiguous.

OBJECTIONS TO INSTRUCTIONS

1. Abbott objects to Paragraphs 2, 4, 5, 6, 7, 8, 10, 11 and 12 of Plaintiffs’ “Instructions” to the extent they exceed or alter the scope of permissible discovery under the Texas Rules of Civil Procedure. Abbott will respond to these Requests in accordance with the Texas Rules.

2. Abbott objects to Paragraph 14 of Plaintiffs’ “Instructions” and Plaintiffs’ “specified time period” of January 1, 1991 to the date of production. The Second Amended Petition seeks damages for the period of September 1, 1995 to the present. Accordingly, documents and information relating to the period before September 1, 1995 are neither relevant to the subject matter of this action nor reasonably calculated to lead to the discovery of admissible evidence, and Plaintiffs’ request for such information is overly broad and unduly burdensome. Moreover, Plaintiffs have known about Abbott’s alleged actions since at least March 2000, when Ven-A-Care filed this lawsuit under seal. Thus, Plaintiffs cannot allege that the State was “defrauded” after that date. Subject to and without waiving any of its objections, Abbott will produce documents and information relating to the period of September 1, 1995 to the present.

REQUESTS FOR PRODUCTION

The foregoing statement and objections (collectively referred to herein as the “preliminary objections”) are incorporated by reference into each of the following responses:

REQUEST FOR PRODUCTION NO. 1: Documents identified and/or referenced in your responses to Plaintiffs' First Set of Interrogatories.

RESPONSE: Subject to and without waiving any of its objections, Abbott will produce non-privileged responsive documents, to the extent they exist and are reasonably obtainable, identified or referenced in its Responses to Plaintiffs' First Set of Interrogatories.

REQUEST FOR PRODUCTION NO. 2: For each year during the specified time period, Documents, such as organizational charts, sufficient to show the organization of each division, department, unit or subdivision of your company that had any role in the production, manufacture, market allocation, distribution, marketing, pricing or sale of the Identified Drugs.

RESPONSE: In addition to its preliminary objections, Abbott objects to this request because it seeks information that is not relevant to the subject matter of this action or reasonably calculated to lead to the discovery of admissible evidence by seeking documents relating to the "production," "manufacture" or "distribution" of the Identified Drugs since the subject matter of this action does not involve the "production," "manufacture" or "distribution" of the Identified Drugs.

Abbott further objects to this request because the terms "market allocation" and "distribution" are vague and ambiguous.

Subject to and without waiving any of its objections, Abbott will make available to Plaintiffs organizational charts, to the extent they exist, are reasonably obtainable and are non-privileged, for those departments at Abbott that otherwise have documents responsive to Plaintiffs' Requests.

REQUEST FOR PRODUCTION NO. 3: Promotional documents and public statements, announcements, disclosures, or press releases issued by you, any defendant or any of your competitors referring or relating to the price, distribution, marketing or sale of the Identified Drugs, including, by way of example and without limitation, any media files or advertising files.

RESPONSE: In addition to its preliminary objections, Abbott objects to this request because it is overly broad, unduly burdensome and seeks documents that are not relevant to the subject

matter of this action or reasonably calculated to lead to the discovery of admissible evidence to the extent plaintiffs are essentially seeking all marketing, sales and other promotional documents for the Identified Drugs over a thirteen-year period.

Abbott further objects to this request because it seeks information that is not relevant to the subject matter of this action or reasonably calculated to lead to the discovery of admissible evidence by asking for promotional materials sent to hospital customers and to customers outside of Texas, and because the terms “public statements, announcements, disclosures,” “distribution,” “media files” and “advertising files” are vague and ambiguous.

Subject to and without waiving any of its objections, Abbott will produce non-privileged responsive documents, to the extent they exist and are reasonably obtainable, that were disseminated to non-hospital providers in the State of Texas relating to the price, marketing or sale of Abbott’s drugs listed in Exhibit A to the Second Amended Petition for the period of September 1, 1995 to the present.

REQUEST FOR PRODUCTION NO. 4: Business plans, budgets, forecasts, or sales or profit projections referring or relating, in whole or in part, to the Identified Drugs.

RESPONSE: In addition to its preliminary objections, Abbott objects to this request because it seeks confidential and/or proprietary information and because it is overly broad, unduly burdensome and seeks documents that are not relevant to the subject matter of this action or reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving any of its objections, Abbott will produce non-privileged responsive documents, to the extent they exist and are reasonably obtainable, relating to Abbott’s drugs listed in Exhibit A to the Second Amended Petition for the period of September 1, 1995 to the present. Abbott will not, however, produce documents relating exclusively to sales to hospitals.

REQUEST FOR PRODUCTION NO. 5: Documents which constitute, contain, or refer to analysis, evaluation or summary of the market allocation, sales territories, distribution, marketing, pricing or selling of the Identified Drugs including, without limitation, documents referring or relating to sales volumes, product lines, profitability, competition, market share, competitive position, or sales territories.

RESPONSE: In addition to its preliminary objections, Abbott objects to this request because it seeks confidential and/or proprietary information, seeks documents that are not relevant to the subject matter of this action or reasonably calculated to lead to the discovery of admissible evidence, and because the terms “market allocation,” “distribution” and “profitability” are vague and ambiguous.

Subject to and without waiving any of its objections, Abbott will produce non-privileged responsive documents, to the extent they exist and are reasonably obtainable, relating to Abbott’s drugs listed in Exhibit A to the Second Amended Petition for the period of September 1, 1995 to the present. Abbott will not, however, produce documents relating exclusively to sales to hospitals.

REQUEST FOR PRODUCTION NO. 6: Documents relating to discounts, rebates, credits or any other reduction from list prices or announced prices offered by you or any other company relating to the sale of the Identified Drugs.

RESPONSE: In addition to its preliminary objections, Abbott objects to this request because it is overly broad, unduly burdensome and seeks documents that are not relevant to the subject matter of this action or reasonably calculated to lead to the discovery of admissible evidence.

Abbott further objects to the request because it seeks confidential and/or proprietary information, and because the terms “list prices” and “announced prices,” as used by the State of Texas, are vague and ambiguous.

Subject to and without waiving any of its objections, Abbott will produce non-privileged responsive contracts, to the extent they exist and are reasonably obtainable, for Abbott’s drugs

listed in Exhibit A to the Second Amended Petition relating to non-hospital customers in the State of Texas for the period of September 1, 1995 to the present.

REQUEST FOR PRODUCTION NO. 7: Documents reflecting the actual net prices charged by you for the Identified Drugs.

RESPONSE: In addition to its preliminary objections, Abbott objects to this request because it is overly broad, unduly burdensome and seeks documents that are not relevant to the subject matter of this action or reasonably calculated to lead to the discovery of admissible evidence.

Abbott further objects to this request because the term “actual net prices” is vague and ambiguous.

Subject to and without waiving any of its objections, Abbott will produce non-privileged responsive electronic sales data, to the extent it exists and is reasonably obtainable, for Abbott’s drugs listed in Exhibit A to the Second Amended Petition relating to non-hospital customers in the State of Texas for the period of September 1, 1995 to the present.

REQUEST FOR PRODUCTION NO. 8: Documents reflecting the prices routinely invoiced by you for the Identified Drugs.

RESPONSE: In addition to its preliminary objections, Abbott objects to this request because it is overly broad, unduly burdensome and seeks documents that are not relevant to the subject matter of this action or reasonably calculated to lead to the discovery of admissible evidence.

Abbott further objects to this request because the phrase “prices routinely invoiced by you” is vague and ambiguous.

Subject to and without waiving any of its objections, Abbott will produce non-privileged responsive price lists, to the extent they exist and are reasonably obtainable, for Abbott’s drugs listed in Exhibit A to the Second Amended Petition relating to non-hospital customers in the State of Texas for the period of September 1, 1995 to the present.

REQUEST FOR PRODUCTION NO. 9: Catalogues, sales materials, reports, memoranda, circulars, letters, bulletins, instructions or other documents sent to or provided to sales personnel (including inside and outside sales staff, telemarketers, etc.), service representatives, customers, distributors or other persons relating to the Identified Drugs, including, but not limited to, documents referring to, relating to, or describing the “spread” on, or reimbursement for the Identified Drugs.

RESPONSE: In addition to its preliminary objections, Abbott objects to this request because it is overly broad, unduly burdensome, seeks confidential and/or proprietary information and seeks documents that are not relevant to the subject matter of this action or reasonably calculated to lead to the discovery of admissible evidence to the extent it seeks all documents relating to the Identified Drugs since such a request would essentially include any communication regarding the drugs to any person, and to the extent it is not limited to Abbott.

Abbott further objects to this request because it seeks documents not relevant to the subject matter of this action or reasonably calculated to lead to the discovery of admissible evidence by asking for documents relating to reimbursement by entities other than Texas Medicaid, and because the terms “reimbursement” “service representative” and “spread” are vague and ambiguous.

Subject to and without waiving any of its objections, Abbott will produce non-privileged documents, to the extent they exist and are reasonably obtainable, that were distributed to sales representatives or non-hospital customers in the State of Texas relating to Abbott’s drugs listed in Exhibit A to the Second Amended Petition for the period of September 1, 1995 to the present.

REQUEST FOR PRODUCTION NO. 10: Documents reflecting or relating to communications by and between sales personnel pertaining to, or discussing in any way, reimbursement on the Identified Drugs.

RESPONSE: In addition to its preliminary objections, Abbott objects to this request because it is overly broad and unduly burdensome to the extent it requires Abbott to search the files for all

of its sales personnel over the course of thirteen years and to the extent it seeks documents relating to “reimbursement” without any limitation on that term.

Abbott further objects to this request because it seeks documents not relevant to the subject matter of this action or reasonably calculated to lead to the discovery of admissible evidence by asking for documents relating to reimbursement by entities other than Texas Medicaid, and because the term “reimbursement” is vague and ambiguous.

Subject to and without waiving any of its objections, Abbott will produce non-privileged responsive documents, to the extent they exist and are reasonably obtainable, from the sales personnel responsible for Texas relating to reimbursement by Texas Medicaid for Abbott’s drugs listed in Exhibit A to the Second Amended Petition for the period of September 1, 1995 to the present.

REQUEST FOR PRODUCTION NO. 11: Documents referring to or relating to your percentage or share of industry production or sales (or other measure of market share) of the Identified Drugs, or that of any manufacturer, producer or distributor of the Identified Drugs.

RESPONSE: In addition to its preliminary objections, Abbott objects to this request because it is overly broad, unduly burdensome and seeks documents that are not relevant to the subject matter of this action or likely to lead to the discovery of admissible evidence to the extent it relates to the market share of other manufacturers, producers or distributors, etc., and because the phrase “industry production” is vague and ambiguous.

Subject to and without waiving any of its objections, Abbott will produce non-privileged responsive documents, to the extent they exist and are reasonably obtainable, relating to Abbott’s drugs listed in Exhibit A to the Second Amended Petition for the period of September 1, 1995 to the present. Abbott will not, however, produce documents relating exclusively to sales to hospitals.

REQUEST FOR PRODUCTION NO. 12: Documents reflecting, referring to or relating to reports relating to sales, marketing, production, margins or profits from sales of the Identified Drugs.

RESPONSE: In addition to its preliminary objections, Abbott objects to this request because it seeks confidential and/or proprietary information and seeks documents not relevant to the subject matter of this action or reasonably calculated to lead to the discovery of admissible evidence by asking for documents relating to the production, margins or profits from sales of the Identified Drugs.

Abbott further objects to this request because the terms “production,” and “margins” and are vague and ambiguous.

Subject to and without waiving any of its objections, Abbott will produce non-privileged responsive documents, to the extent they exist and are reasonably obtainable, relating to sales and marketing of Abbott’s drugs listed in Exhibit A to the Second Amended Petition to non-hospital customers in the State of Texas for the period of September 1, 1995 to the present.

REQUEST FOR PRODUCTION NO. 13: Documents showing prices, price premiums, profit margins and/or profitability for any or all of the Identified Drugs.

RESPONSE: In addition to its preliminary objections, Abbott objects to this request because it is overly broad, unduly burdensome and seeks documents not relevant to the subject matter of this action or reasonably calculated to lead to the discovery of admissible evidence by asking for documents related to profit margins and/or profitably of the Identified Drugs, and because the terms “margins,” “price premiums” and “profitability” are vague and ambiguous.

Subject to and without waiving any of its objections, Abbott will produce non-privileged responsive documents, to the extent they exist and are reasonably obtainable, relating to pricing of Abbott’s drugs listed in Exhibit A to the Second Amended Petition to non-hospital customers in the State of Texas for the period of September 1, 1995 to the present.

REQUEST FOR PRODUCTION NO. 14: Documents which discuss, study or compare the quality, profitability, or other characteristics of the Identified Drugs with any therapeutically similar competitor drugs manufactured, produced, marketed, or distributed by any other company.

RESPONSE: In addition to its preliminary objections, Abbott objects to this request because it is overly broad, unduly burdensome and seeks documents not relevant to the subject matter of this action or reasonably calculated to lead to the discovery of admissible evidence by asking for documents relating to the “quality” or “other characteristics of the Identified Drugs.”

Abbott further objects to this request because the terms “quality,” “profitability” and “other characteristics” are vague and ambiguous.

Subject to and without waiving any of its objections, Abbott will produce, for the period of September 1, 1995 to the present, non-privileged responsive documents, to the extent they exist and are reasonably obtainable, which study or compare the reimbursement by Texas Medicaid or by the federal Medicaid program generally, of which Texas is a part, of Abbott’s drugs listed in Exhibit A to the Second Amended Petition to that of any therapeutically similar competitor drugs.

REQUEST FOR PRODUCTION NO. 15: Documents which discuss, study or compare any and all pricing of the Identified Drugs with any therapeutically similar competitor drugs manufactured, produced or distributed by any other company.

RESPONSE: In addition to its preliminary objections, Abbott objects to this request because it is overly broad, unduly burdensome and seeks documents not relevant to the subject matter of this action or reasonably calculated to lead to the discovery of admissible evidence by asking for documents related to “all pricing” of the Identified Drugs.

Subject to and without waiving any of its objections, Abbott will produce, for the period of September 1, 1995 to the present, non-privileged responsive documents, to the extent they exist and are reasonably obtainable, which study or compare the reimbursement by Texas

Medicaid or by the federal Medicaid program generally, of which Texas is a part, of Abbott's drugs listed in Exhibit A to the Second Amended Petition to that of any therapeutically similar competitor drugs.

REQUEST FOR PRODUCTION NO. 16: Documents referring or relating to your policy or practice concerning the retention, destruction, disposal or preservation of documents.

RESPONSE: In addition to its preliminary objections, Abbott objects to this request because it is overly broad, unduly burdensome and seeks documents not relevant to the subject matter of this action or reasonably calculated to lead to the discovery of admissible evidence to the extent it purports to seek all of Abbott's policies concerning retention, destruction, disposal or preservation of documents without regard to the subject matter of these policies, the particular department affected by these policies, or whether or not they relate to the relevant drugs.

Subject to and without waiving any of its objections, Abbott will produce, to the extent they exist, are reasonably obtainable and are non-privileged: (i) the retention policies for those departments that have documents responsive to the Requests; and (ii) any documents that amend or change such policies for the period of September 1, 1995 to the present. Abbott is withholding documents protected by the attorney-client privilege and/or the work-product doctrine.

REQUEST FOR PRODUCTION NO. 17: Electronic data specifically reflecting:

- (a) each commercial transaction involving the Identified Drugs including the date thereof;
- (b) for each transaction involving the Identified Drugs, the name and address of the person to whom you bill for the sale of the Identified Drugs (the "bill-to-customer") and, in addition, the full name and address of the parent company, if the database or documents identify a subsidiary, corporate affiliate, division, satellite office, or warehouse;
- (c) for each sale and/or other transaction involving the Identified Drugs, the name and address of the person to whom you ship the Identified Drugs (the "ship to

customer”) and, in addition, the full name and address of the parent company, if the database or documents identify a subsidiary, corporate affiliate, division, satellite office or warehouse;

- (d) for each sale and/or other transaction involving the Identified Drugs, the name and address of the person to whom you ship the Identified Drugs (the “ship to customer”) and, in addition, the full name and address of the parent company, if the database or documents identify a subsidiary, corporate affiliate, division, satellite office, or warehouse;
- (e) discounts, rebates, chargebacks, returns and/or other price and quantity adjustments relating to each sale, transaction, and/or set of sales or transactions involving or relating to the Identified Drugs;
- (f) any other price or unit adjustments -- whether monthly, quarterly or on any other basis -- involving or relating to sales or transactions involving the Identified Drugs; and
- (g) the net amount in dollars, and in dollars per unit, for each sale and/or other transaction involving or relating to the Identified Drugs.

RESPONSE: In addition to its preliminary objections, Abbott objects to this request because it seeks documents not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence, and because it is overly broad and unduly burdensome in general and specifically to the extent it seeks electronic data for each commercial transaction for a thirteen-year period, to the extent it purports to seek all adjustments to the sales of the Identified Drugs, to the extent it seeks information regarding the parent and subsidiary relationships of Abbott’s customers, and to the extent it seeks to have Abbott create information that is not otherwise contained in the electronic data it regularly maintains.

Abbott further objects to this request because it seeks confidential and/or proprietary information, and because the terms “unit adjustment” and “net amount” are vague and ambiguous.

Subject to and without waiving any of its objections, Abbott will produce non-privileged responsive electronic sales data, to the extent it exists and is reasonably obtainable, for Abbott’s

drugs listed in Exhibit A to the Second Amended Petition relating to sales to non-hospital customers in the State of Texas for the period of September 1, 1995 to the present and a field layout of the fields contained in the electronic sales data.

REQUEST FOR PRODUCTION NO. 18: Documents sufficient to explain the record layout, including any or all of the data fields, of electronic data produced in response to any of these requests, and/or the operation of any equipment or software utilized by you to maintain the responsive electronic data.

RESPONSE: In addition to its preliminary objections, Abbott objects to this request because it is overly broad, unduly burdensome, vague, ambiguous and confusing.

Subject to and without waiving any of its objections, Abbott will produce non-privileged responsive documents, to the extent they exist and are reasonably obtainable, sufficient to identify the record layout, as Abbott understands this phrase, for the electronic data produced for Abbott's drugs listed in Exhibit A to the Second Amended Petition for the period from September 1, 1995 to the present.

REQUEST FOR PRODUCTION NO. 19: Documents which reflect or relate to the prices charged to, and other terms and/or conditions of sale for the Identified Drugs, including without limitation, pricing communications or contracting correspondence, manuals, price lists, guidelines, matrices, policies, mark-up policies, mark-up formulas, formulas, and/or any other pricing procedures, for each product line, and/or product, and for each customer, and/or customer group purchasing organization, and/or price reporting service, and/or class of trade or subgroup thereof or other documents that are sufficient to identify:

- (a) payment terms;
- (b) discounts, rebates, chargebacks and/or other adjustments offered to any purchaser and/or class of trade;
- (c) prices and terms of sale for wholesale purchasers;
- (d) prices and/or discounts and/or rebates and/or other adjustments for chain pharmacy purchasers;
- (e) prices and/or discounts and/or rebates and/or other adjustments for hospital purchasers;

- (f) prices and/or discount and/or rebates and/or other adjustments for managed care purchasers;
- (g) price and/or discount and/or rebates and/or other adjustments for mail order purchasers;
- (h) price and/or discount and/or rebates or other adjustments for any and all other purchaser class of trade or subgroup.

RESPONSE: In addition to its preliminary objections, Abbott objects to this request as vague and ambiguous, overly broad and unduly burdensome, particularly to the extent it seeks documents that “reflect or relate to the prices charged to, and other terms and/or conditions of sale for the Identified Drugs,” and because it is duplicative of Request Nos. 13, 17 and 20.

Abbott further objects to this request because it seeks confidential and/or proprietary information and seeks documents not relevant to the subject matter of this action or reasonably calculated to lead to the discovery of admissible evidence by asking for “prices and/or discounts and/or rebates and/or other adjustments for hospital purchasers,” “managed care purchasers” and “mail order purchasers,” and because the terms “matrices,” “mark-up policies,” “mark-up formulas” and “mail order purchasers” are vague and ambiguous.

Subject to and without waiving any of its objections, Abbott will produce, to the extent they exist, are reasonably obtainable and are non-privileged, for the time period of September 1, 1995 to the present: (1) electronic sales data for Abbott’s drugs listed in Exhibit A to the Second Amended Petition for non-hospital customers in the State of Texas; (2) correspondence with any price reporting service regarding the pricing of Abbott’s drugs listed in Exhibit A to the Second Amended Petition; (3) correspondence with any wholesaler regarding the pricing of Abbott’s drugs listed in Exhibit A to the Second Amended Petition; (4) contracts and price lists with non-hospital Texas customers that relate to Abbott’s drugs listed in Exhibit A to the Second Amended Petition; (5) price catalogues for Abbott’s drugs listed in Exhibit A to the Second

Amended Petition; and (6) any corporate policies, guidelines or manuals that relate to pricing of Abbott's drugs listed in Exhibit A to the Second Amended Petition.

REQUEST FOR PRODUCTION NO. 20: Documents constituting or relating to written contracts, which, in whole or in part, govern the sale of the Identified Drugs by you, whether or not those contracts are with customers who purchase the Identified Drugs directly from you, including drafts, correspondence, and supporting detail and data (in electronic form where available).

RESPONSE: In addition to its preliminary objections, Abbott objects to this request because it is overly broad and unduly burdensome to the extent it seeks all written contracts for the sale of the Identified Drugs by Abbott as well as all drafts, correspondence and supporting detail and data regarding those sales, and because the phrase "whether or not those contracts are with customers who purchase the Identified Drugs directly from you" is vague and ambiguous.

Abbott further objects to this request because it seeks confidential and/or proprietary documents and seeks documents not relevant to the subject matter of this action or reasonably calculated to lead to the discovery of admissible evidence by asking for contracts with hospitals and with customers outside of Texas.

Subject to and without waiving any of its objections, Abbott will produce non-privileged responsive documents, to the extent they exist and are reasonably obtainable, for non-hospital customers in the State of Texas relating to Abbott's drugs listed in Exhibit A to the Second Amended Petition for the period of September 1, 1995 to the present. Abbott is withholding documents protected by the attorney-client privilege.

REQUEST FOR PRODUCTION NO. 21: Documents sufficient to reflect the organization, including any changes, of each and every division, subdivision, unit, subsidiary and affiliate of your company having any involvement with any of the Identified Drugs during any period in which the Identified Drugs were being considered, developed, marketed, and/or sold.

RESPONSE: In addition to its preliminary objections, Abbott objects to this request because it is overly broad, unduly burdensome and seeks documents not relevant to the subject matter of

this action or reasonably calculated to lead to the discovery of admissible evidence by asking for documents reflecting the organization “of each and every division, subdivision, unit, subsidiary and affiliate of [Abbott] having any involvement with any of the Identified Drugs” and to the extent it relates to “any time period in which the Identified Drugs were being considered, developed, marketed and/or sold.”

Subject to and without waiving any of its objections, Abbott will produce non-privileged responsive organizational charts for the period of September 1, 1995 to the present, to the extent they exist and are reasonably obtainable, for the departments at Abbott responsible for Abbott’s drugs listed in Exhibit A to the Second Amended Petition.

REQUEST FOR PRODUCTION NO. 22: Documents relating to pre- and post-market entry strategy regarding the Identified Drugs, including analysis, forecasting and projections, pricing, and any other matters in connection therewith.

RESPONSE: In addition to its preliminary objections, Abbott objects to this request because it is overly broad, unduly burdensome and seeks documents that are not relevant to the subject matter of this action or reasonably calculated to lead to the discovery of admissible evidence by asking for documents related to “any other matters” and by asking for documents related to pre-market entry strategy since this extends the time period of the request. Abbott further objects to this request because it seeks confidential and/or proprietary information.

Subject to and without waiving any of its objections, Abbott will produce non-privileged responsive documents, to the extent they exist and are reasonably obtainable, relating to Abbott’s drugs listed in Exhibit A to the Second Amended Petition for the period of September 1, 1995 to the present.

REQUEST FOR PRODUCTION NO. 23: To the extent not covered by above requests, Documents relating to the standard terms and conditions of sale including prices, rebates, and discounts offered on the Identified Drugs.

RESPONSE: In addition to its preliminary objections, Abbott objects to this request because it seeks confidential and/or proprietary information, is duplicative of Request No. 20 and is overly broad and unduly burdensome.

Abbott further objects to this request because the phrase “standard terms and conditions of sale” is vague and ambiguous.

Subject to and without waiving any of its objections, Abbott will produce non-privileged responsive documents, to the extent they exist and are reasonably obtainable, relating to sales to non-hospital customers in the State of Texas of Abbott’s drugs listed in Exhibit A to the Second Amended Petition for the period of September 1, 1995 to the present.

REQUEST FOR PRODUCTION NO. 24: To the extent not covered by above requests, Documents relating to the identities of persons and/or entities who purchase or have purchased the Identified Drugs.

RESPONSE: In addition to its preliminary objections, Abbott objects to this request because it is overly broad, unduly burdensome and seeks documents that are not relevant to the subject matter of this action or reasonably calculated to lead to the discovery of admissible evidence to the extent it seeks documents relating to the identities of all persons or entities who purchased the Identified Drugs.

Abbott further incorporates its objections and responses to Request Nos. 19 and 20 here. Except as otherwise provided in the responses to those requests, Abbott will not produce responsive documents.

REQUEST FOR PRODUCTION NO. 25: To the extent not requested above, manuals and/or other documents relating to or reflecting pricing formulas, matrices, guidelines, and/or policies relating to the sale of the Identified Drugs.

RESPONSE: In addition to its preliminary objections, Abbott objects to this request because it is overly broad, unduly burdensome and seeks documents not relevant to the subject matter of this action or reasonably calculated to lead to the discovery of admissible evidence to the extent it seeks documents relating to pricing formulas, matrices, guidelines and/or policies relating to the sale of the Identified Drugs without any limitation. Abbott further objects to this request because it seeks confidential and/or proprietary information, seeks information outside Abbott's possession, custody and control, and because the terms "pricing formulas" and "matrices" are vague and ambiguous.

Subject to and without waiving any of its objections, Abbott will produce non-privileged responsive documents, to the extent they exist and are reasonably obtainable, relating to Abbott's drugs listed in Exhibit A to the Second Amended Petition for the period of September 1, 1995 to the present.

REQUEST FOR PRODUCTION NO. 26: Documents pertaining to the sales activities of Abbott employees, including, but not limited to field sales personnel and Alternate Site personnel related to the Identified Drugs. (By way of illustration, and not limitation, this request requires Abbott to produce emails, notes, reports, memoranda or other recordings relating to or describing sales calls relative to the Identified Drugs.)

RESPONSE: In addition to its preliminary objections, Abbott objects to this request because it is overly broad, unduly burdensome and seeks documents not relevant to the subject matter of this action or reasonably calculated to lead to the discovery of admissible evidence to the extent it asks for documents relating to all sales activities of all Abbott employees for twenty-two pages of drugs, to the extent it asks for emails, notes, reports, memoranda or other recordings relating to or describing sales calls relative to the Identified Drugs, to the extent it asks Abbott to search

the files of all sales employees, and to the extent it is not limited to non-hospital customers and customers in Texas. Abbot further objects to this request because the terms “sales activities” and “sales calls” are vague and ambiguous.

Subject to and without waiving any of its objections, Abbott will produce, from the sales personnel responsible for Texas, non-privileged responsive documents, to the extent they exist and are reasonably obtainable, that relate both to: (i) sales of Abbott’s drugs listed in Exhibit A to the Second Amended Petition to non-hospital Texas customers for the period of September 1, 1995 to the present; and (ii) Texas Medicaid reimbursement or the difference between Texas Medicaid reimbursement and the cost of the drug.

REQUEST FOR PRODUCTION NO. 27: Documents relating to communications between you and Texas Medicaid or any other Texas agency, office, official or entity concerning the Medicaid pharmaceutical reimbursement system, and/or concerning the Identified Drugs.

RESPONSE: In addition to its preliminary objections, Abbott objects to this request because it is overly broad, unduly burdensome and seeks documents not relevant to the subject matter of this action or reasonably calculated to lead to the discovery of admissible evidence to the extent it asks for documents relating to general communications concerning the Identified Drugs.

Abbott further objects to this request because it seeks documents already in the State of Texas’ possession, custody or control and because the term “Medicaid pharmaceutical reimbursement system” is vague and ambiguous.

Subject to and without waiving any of its objections, Abbott will produce non-privileged responsive documents, to the extent they exist and are reasonably obtainable, relating to Texas Medicaid reimbursement of Abbott’s drugs listed in Exhibit A to the Second Amended Petition for the period of September 1, 1995 to the present.

REQUEST FOR PRODUCTION NO. 28: Documents relating to communications between you and any Medicaid agency or any other government agency, office, official or entity concerning the Medicaid pharmaceutical reimbursement system.

RESPONSE: In addition to its preliminary objections, Abbott objects to this request because it is overly broad, unduly burdensome and seeks documents that are not relevant to the subject matter of this action or reasonably calculated to lead to the discovery of admissible evidence. Abbott further objects to this request because the term “Medicaid pharmaceutical reimbursement system” is vague and ambiguous.

Subject to and without waiving any of its objections, Abbott will produce, for the period of September 1, 1995 to the present, non-privileged responsive documents, to the extent they exist and are reasonably obtainable, relating to communications between Abbott and Texas Medicaid, Health and Human Services and/or the Centers for Medicare and Medicaid Services that relate both to: (i) Medicaid reimbursement for Abbott’s drugs listed in Exhibit A to the Second Amended Petition; and (ii) the Texas Medicaid program and/or the federal Medicaid program generally, of which Texas is a part. Abbott will not produce documents relating to other states’ Medicaid Programs. Nor will Abbott produce documents that are unrelated to the issues raised in this case, including but not limited to the Medicaid rebate program.

REQUEST FOR PRODUCTION NO. 29: Documents relating to communications between you and any member, or staff member of the United States Congress concerning the Medicaid pharmaceutical reimbursement system.

RESPONSE: In addition to its preliminary objections, Abbott objects to this request because it is overly broad, unduly burdensome and seeks documents that are not relevant to the subject matter of this action or reasonably calculated to lead to the discovery of admissible evidence. Abbott further objects to this request because it is duplicative of Request No. 28 and because the term “Medicaid pharmaceutical reimbursement system” is vague and ambiguous.

Subject to and without waiving any of its objections, Abbott will produce, for the period of September 1, 1995 to the present, non-privileged responsive documents, to the extent they exist and are reasonably obtainable, that relate both to: (i) Medicaid reimbursement for Abbott's drugs listed in Exhibit A to the Second Amended Petition; and (ii) the Texas Medicaid program and/or the federal Medicaid program generally, of which Texas is a part. Abbott will not produce documents relating to other states' Medicaid Programs. Nor will Abbott produce documents that are unrelated to the issues raised in this case, including but not limited to the Medicaid rebate program.

REQUEST FOR PRODUCTION NO. 30: Documents relating to communications between you and any member, or staff member of the legislature of any State or territory of the United States concerning the Medicaid pharmaceutical reimbursement system.

RESPONSE: In addition to its preliminary objections, Abbott objects to this request because it is overly broad, unduly burdensome and seeks documents that are not relevant to the subject matter of this action or reasonably calculated to lead to the discovery of admissible evidence. Abbott further objects to this request because it is duplicative of Request Nos. 28 and 29, and because the term "Medicaid pharmaceutical reimbursement system" is vague and ambiguous.

Subject to and without waiving any of its objections, Abbott will produce, for the period of September 1, 1995 to the present, non-privileged responsive documents, to the extent they exist and are reasonably obtainable, relating to communications between Abbott and Texas Medicaid, Health and Human Services and/or the Centers for Medicare and Medicaid Services that both relate to: (i) Medicaid reimbursement for Abbott's drugs listed in Exhibit A to the Second Amended Petition; and (ii) the Texas Medicaid program and/or the federal Medicaid program generally, of which Texas is a part. Abbott will not produce documents relating to other

states' Medicaid Programs. Nor will Abbott produce documents that are unrelated to the issues raised in this case, including but not limited to the Medicaid rebate program.

REQUEST FOR PRODUCTION NO. 31: Blue Book Annual Product Update Reports in your possession, custody or control relating to the Identified Drugs.

RESPONSE: In addition to its preliminary objections, Abbott objects to this request because it asks Abbott to undertake a burdensome search for documents that are equally available to Plaintiffs, and because the term "Product Update Reports" is vague, ambiguous, and confusing. Abbott further objects because the information requested is confidential and/or proprietary to Blue Book.

Abbott will not produce data purchased from Blue Book.

REQUEST FOR PRODUCTION NO. 32: National Drug Data File Product Update Reports prepared by First Data Bank in your possession, custody or control relating to the Identified Drugs.

RESPONSE: In addition to its preliminary objections, Abbott objects to this request to the extent it seeks to require Abbott to undertake a burdensome search for documents that are equally available to Plaintiffs, and because the term "Product Update Reports" is vague, ambiguous, and confusing. Abbott further objects because the information requested is confidential and/or proprietary to First Data Bank.

Abbott further objects to this request because it is duplicative of Request No. 31.

Abbott will not produce data purchased from First Data Bank.

REQUEST FOR PRODUCTION NO. 33: Price verification reports received from or sent to any price reporting services relating to the Identified Drugs.

RESPONSE: In addition to its preliminary objections, Abbott objects to the request because it is overly broad and unduly burdensome to the extent it seeks all price verification reports received from or sent to any price reporting agency, and because the term "price verification

reports” is vague, ambiguous, and confusing. To the extent this request seeks data purchased from price reporting services that is confidential and/or proprietary, Abbott will not produce such purchased data.

Subject to and without waiving any of its objections, Abbott will produce non-privileged responsive documents, to the extent they exist and are reasonably obtainable, relating to Abbott’s drugs listed in Exhibit A to the Second Amended Petition for the period of September 1, 1995 to the present.

REQUEST FOR PRODUCTION NO. 34: Documents containing your participation in the federal Medicaid Rebate Program with respect to the Identified Drugs, including, but not limited to data and any other material from which you calculated Average Manufacturer’s Price (“AMP”), and Best Price, as described in 42 U.S.C. § 1396r-8 for the Identified, together with any record containing or outlining assumptions made by you in your calculation of AMP and Best Price.

RESPONSE: In addition to its preliminary objections, Abbott objects to this request because it is overly broad, unduly burdensome and seeks documents that are not relevant to the subject matter of this action or reasonably calculated to lead to the discovery of admissible evidence to the extent it seeks documents relating to Abbott’s participation in the Medicaid Rebate Program, since Plaintiffs have not asserted a claim relating to that program.

Abbott also objects to this request because it seeks confidential and/or proprietary information and seeks information protected by the Medicaid Rebate Statute and/or Abbott’s Medicaid Rebate Agreement with the federal government.

Abbott further objects to this request because the terms “AMP” and “Best Price” are vague and ambiguous, since 42 U.S.C. § 1396r-8 has been amended over time.

With the exception of the AMPs Abbott already has agreed to produce in response to Plaintiffs’ First Request for Production of Documents (subject to the limitations set forth in those responses), Abbott will not produce responsive documents to this request.

REQUEST FOR PRODUCTION NO. 35: Organizational charts or other documents describing or depicting Abbott, its subsidiaries, parents, affiliates, divisions, departments, offices, units or other subdivisions and the relationship among them.

RESPONSE: In addition to its preliminary objections, Abbott objects to this request because it is overly broad, unduly burdensome and seeks documents that are not relevant to the subject matter of this action or reasonably calculated to lead to the discovery of admissible evidence to the extent it asks for all organizational charts showing Abbott and its related companies. Abbott also objects to this request because it is duplicative of Request No. 21.

Subject to and without waiving any of its objections, Abbott will produce non-privileged responsive organizational charts, to the extent they exist and are reasonably obtainable, for the departments at Abbott that have documents responsive to other requests.

REQUEST FOR PRODUCTION NO. 36: Documents reflecting, referring to, describing or consisting of communications between you and any “Healthcare Management Organization” (known as an “HMO”) or any “Pharmaceutical Benefits Manager” (known as “PBM”) which pertain to the pharmaceutical reimbursement of the Identified Drugs, including but not limited to, documents which pertain to the Identified Drugs being on an HMO or PBM pharmaceutical reimbursement formulary.

RESPONSE: In addition to its preliminary objections, Abbott objects to this request because it is overly broad and unduly burdensome to the extent it seeks to have Abbott search all communications between Abbott and any HMO or PBM for documents relating to reimbursement of the Identified Drugs.

Abbott further objects to this request because it seeks documents that are not relevant to the subject matter of this action or reasonably calculated to lead to the discovery of admissible evidence by asking for documents relating to HMOs and PBMs since there is no claim in this action relating to HMOs and PBMs. Abbott also objects to this request because it seeks confidential and/or proprietary information and because the term “reimbursement” is vague and ambiguous.

Abbott will not produce documents responsive to this request.

REQUEST FOR PRODUCTION NO. 37: Limited to the Identified Drugs, Documents reflecting, referring to, describing or consisting of communications, contracts, presentations, proposals, bids and related correspondence between you and (a) Group Purchasing Organizations (including, but not limited to Gerimed, IVMed, RxMed, and Omnicare), (b) cooperatives of independent pharmacies, (c) chain drug stores which manage their own warehouses, (d) home health care companies (including but not limited to Apria, Managed Healthcare Associates, Pharmacy Factors, Homedco, Abbey Healthcare, and related companies), (e) “source,” “generic source,” “select” or “autosubstitution” wholesaler programs, (f) mail-order pharmacies, (g) nursing care companies, or (h) wholesalers or distributors.

RESPONSE: In addition to its preliminary objections, Abbott objects to this request because it is overly broad and unduly burdensome to the extent it seeks to have Abbott search and produce communications and all other documents between Abbott and numerous types of customers regarding the Identified Drugs.

Abbott further objects to this request because it seeks information not relevant to the subject matter of this action or reasonably calculated to lead to the discovery of admissible evidence by asking for documents relating to Group Purchasing Organizations that consist of hospital members.

Abbott also objects to this request because it seeks confidential and/or proprietary information, and because the terms “cooperatives of independent pharmacies,” “chain drug stores which manage their own warehouses,” “‘source,’ ‘generic source,’ ‘select’ and ‘autosubstitution wholesaler programs’” are vague and ambiguous.

Subject to and without waiving any of its objections, Abbott will produce, for the period of September 1, 1995 to the present, non-privileged responsive documents, to the extent they exist and are reasonably obtainable, that relate both to: (i) non-hospital customers in the State of Texas; and (ii) Abbott’s drugs listed in Exhibit A to the Second Amended Petition.

REQUEST FOR PRODUCTION NO. 38: Documents reflecting, referring to, describing or consisting of agreements, contracts and correspondence with any employees, agents, contractors,

consultants, advisors or other person or entity who sold, marketed, priced, advertised, negotiated or otherwise consulted on behalf of you for your benefit concerning the Identified Drugs, including, but not limited to compensation and/or salary packages, and/or bonus plans [sic], requirements, criteria.

RESPONSE: In addition to its preliminary objections, Abbott objects to this request because it is overly broad, unduly burdensome and seeks documents that are not relevant to the subject matter of this action or reasonably calculated to lead to the discovery of admissible evidence to the extent it seeks agreements, contracts and correspondence with any of Abbott's "employees, agents, contractors, consultants, advisors or other person or entity who sold, marketed, priced, advertised, negotiated or otherwise consulted on behalf" of Abbott concerning the Identified Drugs and to the extent it asks for personal information from Abbott's employees. Abbott further objects to this request because it seeks confidential and/or proprietary information.

Abbott will not produce responsive documents. Abbott is withholding documents protected by the attorney-client privilege.

REQUEST FOR PRODUCTION NO. 39: Complete employee personnel files for the following individuals:

Michael Heggie
Jerry Cicerale
Jack Miller
Harry Adams
Gerald Eichhorn
Steve Kipperman
Charlie Mitchell
Cliff Krajewski
Greg Lotz
Tena Brown
Debra De Young
Dennis Walker
Jeffrey Balzer
John Ward
Kay Morgan
Jeff Yablon
Don Robertson

Miles White
Stacy Chronis

RESPONSE: In addition to its preliminary objections, Abbott objects to this request because it is overly broad, unduly burdensome and harassing in seeking, with no basis, personnel files for numerous employees, including but not limited to seeking the personnel files of Abbott's Chief Executive Officer and one of Abbott's former attorneys. Abbott also objects to this request because it seeks documents that are not relevant to the subject matter of this action or reasonably calculated to lead to the discovery of admissible evidence, and because it seeks confidential information.

Abbott will not produce responsive documents. Abbott is withholding documents protected by the attorney-client privilege and/or the work-product doctrine.

REQUEST FOR PRODUCTION NO. 40: Documents reflecting, referring to, describing or consisting of price file data bases or similar data bases within the possession, custody or control of, or maintained by, Abbott, which contain information relating to the sale or distribution of the Identified Drugs.

RESPONSE: In addition to its preliminary objections, Abbott objects to this request because it is overly broad and unduly burdensome to the extent it seeks all documents that reflect, refer to, describe or consist of price file databases or "similar data bases" in Abbott's possession.

Abbott further objects to this request because the phrase "documents . . . consisting of price file data bases or similar data bases" and the terms "price file data bases," "similar databases" and "distribution" are vague and ambiguous.

Because this request is duplicative of Plaintiffs' Request Nos. 17 and 19, Abbott incorporates its responses and objections to those requests here. Except as expressly provided in the responses to those requests, Abbott will not produce responsive documents. .

REQUEST FOR PRODUCTION NO. 41: Documents related to, reflecting, referring to, describing or consisting of minutes, notes, presentations, discussions, meetings, decisions,

deliberations, resolutions or directives by corporate management and/or of the Board of Directors relating to pricing, price reporting, or marketing of any and all drugs manufactured and/or marketed by Abbott, including, but not limited to the Identified Drugs, in connection with list price changes and/or price publication decisions implemented in 2001.

RESPONSE: In addition to its preliminary objections, Abbott objects to this request because it seeks confidential and/or proprietary information and seeks documents not relevant to the subject matter of this action or reasonably calculated to lead to the discovery of admissible evidence by asking for minutes, notes, presentations, discussions, meetings, decisions, deliberations, resolutions or directives by “corporate management” and the Board of Directors.

Abbott further objects to this request because it is overly broad and unduly burdensome to the extent it would force Abbott to search voluminous amounts of documents, and because the terms “corporate management” and “price publication decisions” are vague and ambiguous and the term “list price,” as used by the State of Texas, is vague and ambiguous.

Abbott will not produce documents. Abbott is withholding documents protected by the attorney-client privilege and/or the work-product doctrine.

REQUEST FOR PRODUCTION NO. 42: Documents related to, reflecting, referring to, describing or consisting of communications by and between Abbott (including, but not limited to Jerrie Cicerale and Harry Adams), and any representative of a price reporting service (including, but not limited to Beth Rader, Kay Morgan, and Michelle Christopher), during the time period January 1, 2001, and April 6, 2001, relating to contemplated, and implemented, list price changes and/or price list publication decisions for the Identified Drugs.

RESPONSE: In addition to its preliminary objections, Abbott objects to this request because it is duplicative of Request No. 47. Abbott further objects to this request because the term “price list publication decisions” is vague and ambiguous and because the term “list price,” as used by the State of Texas, is vague and ambiguous.

Subject to and without waiving any of its objections, Abbott will produce non-privileged responsive documents, to the extent they exist and are reasonably obtainable, for Abbott’s drugs

listed in Exhibit A to the Second Amended Petition for the period of January 1, 2001 to April 6, 2001.

REQUEST FOR PRODUCTION NO. 43: Documents related to, reflecting, referring to, describing or consisting of communications internally, by and between Abbott personnel (including, but not limited to Jerrie Cicerale and Harry Adams), during the time period January 1, 2001, and April 6, 2001, relating to contemplated, and implemented, list price changes and/or price list publication decisions for the Identified Drugs.

RESPONSE: In addition to its preliminary objections, Abbott objects to this request because it seeks confidential and/or proprietary information. Abbott further objects to this request because the term “price list publication decisions” is vague and ambiguous and because the term “list price,” as used by the State of Texas, is vague and ambiguous.

Subject to and without waiving any of its objections, Abbott will produce non-privileged responsive documents, to the extent they exist and are reasonably obtainable, for Abbott’s drugs listed in Exhibit A to the Second Amended Petition for the period of January 1, 2001 to April 6, 2001. Abbott is withholding documents protected by the attorney-client privilege and/or the work-product doctrine.

REQUEST FOR PRODUCTION NO. 44: Documents related to, reflecting, referring to, describing or consisting of minutes, notes, presentations, discussions, meetings, decisions, deliberations, resolutions or directives by corporate management and/or of the Board of Directors relating to Abbott’s divestiture of its Hospital Products Division, and the subsequent public offering of Hospira, Inc.

RESPONSE: In addition to its preliminary objections, Abbott objects to this request because it seeks documents that are not relevant to the subject matter of this action or reasonably calculated to lead to the discovery of admissible evidence and seeks confidential and/or proprietary information. Abbott further objects to this request because the term “corporate management” is vague and ambiguous.

Abbott will not produce responsive documents. Abbott refers Plaintiffs to those documents that were filed with the Securities and Exchange Commission relating to the divestiture of Abbott's Hospital Products Division and the public offering of Hospira, Inc.

REQUEST FOR PRODUCTION NO. 45: Electronic data reflecting, referring to, describing or consisting of information pertaining to prices for the Identified Drugs, whether or not reflective of actual transaction prices, and/or actual invoice prices on the Contract Administration System, Order Processing System and Abbott Enterprise System databases.

RESPONSE: Abbott objects to this request because the terms "actual transaction prices" and "actual invoice prices" are vague and ambiguous. Because this request is duplicative of Plaintiffs' Request Nos. 17 and 19, Abbott incorporates its responses and objections to those requests here. Except as expressly provided in the responses to those requests, Abbott will not produce responsive documents.

REQUEST FOR PRODUCTION NO. 46: Documents reflecting, referring to, describing or consisting of efforts by Abbott to comply with the federal Department of Health and Human Services' Office the Inspector General Fraud and Abuse Guidelines.

RESPONSE: In addition to its preliminary objections, Abbott objects to this request because the phrase "efforts by Abbott to comply with the federal Department of Health and Human Services' Office the Inspector General Fraud and Abuse Guidelines" is vague and ambiguous. Abbott further objects to this request because it seeks confidential and/or proprietary information.

Subject to and without waiving any of its objections, Abbott will produce non-privileged responsive documents, to the extent they exist and are reasonably obtainable, for Abbott's drugs listed in Exhibit A to the Second Amended Petition for the period of September 1, 1995 to the present. Abbott is withholding documents protected by the attorney-client privilege and/or the work-product doctrine.

REQUEST FOR PRODUCTION NO. 47: Documents reflecting, referring to, describing or consisting of communications between Abbott and any data or price reporting service (including, but not limited to First Data Bank, Medispan, Redbook), relating to any of the Identified Drugs.

RESPONSE: In addition to its preliminary objections, Abbott objects to this request because it is overly broad, unduly burdensome and seeks documents that are not relevant to the subject matter of this action or reasonably calculated to lead to the discovery of admissible evidence to the extent it asks for all communications with data or price reporting services.

Subject to and without waiving any of its objections, Abbott will produce non-privileged responsive documents, to the extent they exist and are reasonably obtainable, for Abbott's drugs listed in Exhibit A to the Second Amended Petition for the period of September 1, 1995 to the present. Abbott will not produce data purchased from price reporting services, as such information is confidential and/or proprietary to such services.

REQUEST FOR PRODUCTION NO. 48: Documents reflecting, referring to, describing, or consisting of communications between Abbott and its current employees regarding investigations, audits, reviews or analyses relating to pharmaceutical pricing practices and/or reimbursement, and/or Medicaid programs.

RESPONSE: In addition to its preliminary objections, Abbott objects to this request because it is overly broad, unduly burdensome and seeks documents that are not relevant to the subject matter of this action or reasonably calculated to lead to the discovery of admissible evidence to the extent it seeks all communications between Abbott and its current employees regarding investigations, audits, reviews or analyses relating to pharmaceutical pricing practices and/or reimbursement, and/or Medicaid programs.

Abbott further objects to this request because it seeks confidential and/or proprietary information, and because the terms "audits," "pharmaceutical pricing practices" and "reimbursement" are vague and ambiguous. To the extent this request seeks documents relating

to audits performed by Abbott's independent auditor, Abbott incorporates its objections and responses to Requests 53, 66 and 67.

Subject to and without waiving any of its objections, Abbott will produce, for the period of September 1, 1995 to the present, non-privileged responsive documents, to the extent they exist and are reasonably obtainable, between Abbott and its current employees that relate both to: (i) Medicaid reimbursement for the drugs listed in Exhibit A to the Second Amended Petition; and (ii) the Texas Medicaid program and/or the federal Medicaid program generally, of which Texas is a part. Abbott is withholding documents protected by the attorney-client privilege and/or the work-product doctrine.

REQUEST FOR PRODUCTION NO. 49: Documents reflecting, referring to, describing, or consisting of communications between Abbott and its former employees regarding investigations, audits, reviews or analyses relating to pharmaceutical pricing practices and/or reimbursement, and/or Medicaid programs.

RESPONSE: In addition to its preliminary objections, Abbott objects to this request because it is overly broad, unduly burdensome and seeks documents that are not relevant to the subject matter of this action or reasonably calculated to lead to the discovery of admissible evidence to the extent it seeks all communications between Abbott and its former employees regarding investigations, audits, reviews or analyses relating to pharmaceutical pricing practices and/or reimbursement, and/or Medicaid programs.

Abbott further objects to this request because it seeks confidential and/or proprietary information, and because the terms "audits," "pharmaceutical pricing practices" and "reimbursement" are vague and ambiguous. To the extent this request seeks documents relating to audits performed by Abbott's independent auditor, Abbott incorporates its objections and responses to Requests 53, 66 and 67.

Subject to and without waiving any of its objections, Abbott will produce, for the period of September 1, 1995 to the present, non-privileged responsive documents, to the extent they exist and are reasonably obtainable, between Abbott and its former employees that relate both to: (i) Medicaid reimbursement for the drugs listed in Exhibit A to the Second Amended Petition; and (ii) the Texas Medicaid program and/or the federal Medicaid program generally, of which Texas is a part. Abbott is withholding documents protected by the attorney-client privilege, the work-product doctrine and/or the common interest privilege.

REQUEST FOR PRODUCTION NO. 50: Documents reflecting, referring to, describing, or consisting of communications between Abbott and its independent contractors regarding internal investigations, audits, reviews or analyses relating to pharmaceutical pricing practices and/or reimbursement, and/or Medicaid programs.

RESPONSE: In addition to its preliminary objections, Abbott objects to this request because it is overly broad, unduly burdensome and seeks documents that are not relevant to the subject matter of this action or reasonably calculated to lead to the discovery of admissible evidence to the extent it seeks all communications between Abbott and its independent contractors regarding investigations, audits, reviews or analyses relating to pharmaceutical pricing practices and/or reimbursement, and/or Medicaid programs.

Abbott further objects to this request because it seeks confidential and/or proprietary information, and because the terms “audits,” “independent contractor,” “pharmaceutical pricing practices” and “reimbursement” are vague and ambiguous. To the extent this request seeks documents relating to audits performed by Abbott’s independent auditor, Abbott incorporates its objections and responses to Requests 53, 66 and 67.

Subject to and without waiving any of its objections, Abbott will produce, for the period of September 1, 1995 to the present, non-privileged responsive documents, to the extent they exist and are reasonably obtainable, between Abbott and its independent contractors that relate

both to: (i) Medicaid reimbursement for the drugs listed in Exhibit A to the Second Amended Petition; and (ii) the Texas Medicaid program and/or the federal Medicaid program generally, of which Texas is a part. Abbott is withholding documents protected by the work-product doctrine and/or the accountant-client privilege.

REQUEST FOR PRODUCTION NO. 51: Documents reflecting, referring to, describing, or consisting of communications between Abbott and any third party other than legal counsel regarding investigations, audits, reviews or analyses relating to pharmaceutical pricing practices and/or reimbursement.

RESPONSE: In addition to its preliminary objections, Abbott objects to this request because it is overly broad, unduly burdensome and seeks documents that are not relevant to the subject matter of this action or reasonably calculated to lead to the discovery of admissible evidence to the extent it seeks communications with “any third party other than legal counsel.” As drafted, the request would seek all communications with all plaintiffs, government agencies and co-defendants in all other lawsuits and investigations relating to pharmaceutical pricing practices and/or reimbursement. Abbott also objects to this request because it is duplicative of Request Nos. 49 and 50.

Abbott further objects to this request because it seeks confidential and/or proprietary information, and because the terms “audits,” “pharmaceutical pricing practices” and “reimbursement” are vague and ambiguous. To the extent this request seeks documents relating to audits performed by Abbott’s independent auditor, Abbott incorporates its objections and responses to Requests 53, 66 and 67.

Subject to and without waiving any of its objections, Abbott will produce, for the period of September 1, 1995 to the present, non-privileged responsive documents, to the extent they exist and are reasonably obtainable, between Abbott and third parties that relate both to: (i) Medicaid reimbursement for the drugs listed in Exhibit A to the Second Amended Petition; and

(ii) the Texas Medicaid program and/or the federal Medicaid program generally, of which Texas is a part. Abbott will not produce documents and information relating to other lawsuits or investigations. Abbott is withholding documents protected by the common-interest privilege, the work-product doctrine and/or the accountant-client privilege.

REQUEST FOR PRODUCTION NO. 52: Documents reflecting, referring to, describing, or consisting of communications between Abbott and its legal counsel regarding investigations, audits, reviews or analyses relating to pharmaceutical pricing practices and/or reimbursements.

RESPONSE: In addition to its preliminary objections, Abbott objects to this request because it seeks confidential and/or proprietary information and is overly broad, unduly burdensome, harassing and seeks documents that are not relevant to the subject matter of this action or reasonably calculated to lead to the discovery of admissible evidence, as well as being highly egregious and harassing.

Abbott also objects to this request because the terms “audits,” “pharmaceutical pricing practices” and “reimbursement” are vague and ambiguous. To the extent this request seeks documents relating to audits performed by Abbott’s independent auditor, Abbott incorporates its objections and responses to Requests 53, 66 and 67.

Abbott will not produce responsive documents. Abbott is withholding documents protected by the attorney-client privilege and/or the work-product doctrine.

REQUEST FOR PRODUCTION NO. 53: Documents concerning any accounting, auditing, consulting, tax or other services performed by your independent auditor concerning the Identified Drugs.

RESPONSE: In addition to its preliminary objections, Abbott objects to this request because it seeks information that is not relevant to the subject matter of this action or reasonably calculated to lead to the discovery of admissible evidence.

Abbott further objects to this request because it seeks confidential and/or proprietary information and is vague and ambiguous to the extent the request seeks documents “concerning any accounting, auditing, consulting, tax or other services” concerning the Identified Drugs.

Abbott will not produce responsive documents. Abbott is withholding documents protected by the attorney-client privilege, the work-product doctrine the accountant-client privilege and/or the consulting expert privilege.

REQUEST FOR PRODUCTION NO. 54: Documents concerning any consulting services performed for you concerning Drug Pricing and/or Drug Reimbursement.

RESPONSE: In addition to its preliminary objections, Abbott objects to this request because it is overly broad, unduly burdensome and seeks documents that are not relevant to the subject matter of this action or reasonably calculated to lead to the discovery of admissible evidence to the extent it seeks documents concerning “any consulting services performed for you.”

Abbott further objects to this request because it seeks confidential and/or proprietary information, and because the terms “consulting services” and “Drug Reimbursement” are vague and ambiguous. To the extent this request seeks documents relating to audits performed by Abbott’s independent auditor, Abbott incorporates its objections and responses to Requests 53, 66 and 67. To the extent this request seeks documents relating to services performed by legal counsel, Abbott objects on attorney-client privilege and work produce grounds and will withhold such privileged documents.

Subject to and without waiving any of its objections, Abbott will produce, for the period of September 1, 1995 to the present, non-privileged responsive documents, to the extent they exist and are reasonably obtainable, relating to consulting services performed for Abbott that relate both to: (i) Medicaid reimbursement for the drugs listed in Exhibit A to the Second Amended Petition; and (ii) the Texas Medicaid program and/or the federal Medicaid program

generally, of which Texas is a part. Abbott is withholding documents protected by the attorney-client privilege, work product doctrine the accountant-client privilege and/or the consulting expert privilege.

REQUEST FOR PRODUCTION NO. 55: Audit programs, audit plans, procedures or instructions for the audits, reviews or other services performed for you concerning Drug Pricing, Drug Reimbursement, and/or concerning the Identified Drugs.

RESPONSE: In addition to its preliminary objections, Abbott objects to this request because it is overly broad, unduly burdensome and seeks documents that are not relevant to the subject matter of this action or reasonably calculated to lead to the discovery of admissible evidence to the extent it is not limited to the Texas Medicaid Reimbursement.

Abbott further objects to this request because it seeks confidential and/or proprietary information, and because the phrase “[a]udit programs, audit plans, procedures or instructions for the audits, reviews or other services” and the term “Drug Reimbursement” are vague and ambiguous.

Abbott will not produce documents. Abbott is withholding documents protected by the attorney-client privilege, the work-product doctrine and/or the accountant-client privilege.

REQUEST FOR PRODUCTION NO. 56: Letters of engagement, representation letters, management letters, letters to your Audit Committee or Board of Directors, or attorney inquiry letters and responses thereto relating to any work performed for you concerning the Identified Drugs.

RESPONSE: In addition to its preliminary objections, Abbott objects to this request because it is overly broad, unduly burdensome and seeks documents that are not relevant to the subject matter of this action or reasonably calculated to lead to the discovery of admissible evidence.

Abbott further objects to this request because it seeks confidential and/or proprietary information, and because the terms “management letters,” “Audit Committee,” “attorney inquiry letters” are vague and ambiguous.

Abbott will not produce responsive documents. Abbott is withholding documents protected by the attorney-client privilege, the work-product doctrine and/or the accountant-client privilege.

REQUEST FOR PRODUCTION NO. 57: Original workpapers, audit documentation, permanent files or other documents concerning any audit, review, compilation, quarterly review or other service performed for you concerning the Identified Drugs during the Specified Time Period including, but not limited to, general ledgers, workpapers, testing calculations and analysis of any sales, expenses, accruals, reserves or contra-asset valuation accounts for incentives, discounts, refunds, chargebacks and any other discounts to customers for the Identified Drugs.

RESPONSE: In addition to its preliminary objections, Abbott objects to this request because it is overly broad, unduly burdensome and seeks documents that are not relevant to the subject matter of this action or reasonably calculated to lead to the discovery of admissible evidence.

Abbott further objects to this request because it seeks confidential and/or proprietary information, and because the terms “[o]riginal workpapers,” “audit documentation,” “permanent files,” “audit,” “quarterly review,” “general ledgers,” “workpapers,” “testing calculations” and “accruals,” “reserves” and “contra-asset valuation accounts” are vague and ambiguous.

Abbott will not produce responsive documents. Abbott is withholding documents protected by the attorney-client privilege, the work-product doctrine and/or the accountant-client privilege.

REQUEST FOR PRODUCTION NO. 58: Documents constituting an index of workpapers or audit documentation concerning all services performed for you concerning the Identified Drugs.

RESPONSE: In addition to its preliminary objections, Abbott objects to this request because it is overly broad, unduly burdensome and seeks documents that are not relevant to the subject matter of this action or reasonably calculated to lead to the discovery of admissible evidence.

Abbott further objects to this request because it seeks confidential and/or proprietary

information, and because the terms “workpapers” and “audit documentation” are vague and ambiguous.

Abbott will not produce responsive documents. Abbott is withholding documents protected by the attorney-client privilege, the work-product doctrine and/or the accountant-client privilege.

REQUEST FOR PRODUCTION NO. 59: Documents showing the testing of the accrual of rebates due to Texas Medicaid as to the Identified Drugs.

RESPONSE: In addition to its preliminary objections, Abbott objects to this request because it seeks confidential and/or proprietary information and documents protected by the Medicaid Rebate Statute and/or Abbott’s Medicaid Rebate Agreement with the federal government.

Abbott also objects to this request because it is overly broad, unduly burdensome and seeks information that is not relevant to the subject matter of this action or reasonably calculated to lead to the discovery of admissible evidence since Plaintiffs have not alleged a claim under the rebate program. Abbott further objects to this request because the phrase “testing of the accrual of rebates due to Texas Medicaid” is vague and ambiguous.

With the exception of the AMPs Abbott already has agreed to produce in response to the Plaintiffs’ First Request for Production of Documents (subject to the limitations set forth in those responses), Abbott will not produce responsive documents to this request.

REQUEST FOR PRODUCTION NO. 60: Documents concerning your actual or projected financial condition, performance, or results including Documents showing variances of actual results from forecasted results during the Specified Time Period.

RESPONSE: In addition to its preliminary objections, Abbott objects to this request because it is overly broad and unduly burdensome, seeks confidential and/or proprietary information and seeks information that is not relevant to the subject matter of this action or reasonably calculated

to lead to the discovery of admissible evidence. Abbott further objects to this request because the terms “performance,” “results” and “variances” are vague and ambiguous.

Abbott will not produce responsive documents. Abbott is withholding documents protected by the attorney-client privilege, the work-product doctrine and/or the accountant-client privilege.

REQUEST FOR PRODUCTION NO. 61: Documents concerning the price of the Identified Drugs during the Specified Time Period including, without limitation, the computation, testing, charging, reporting, or valuation of the price of the Identified Drugs.

RESPONSE: In addition to its preliminary objections, Abbott objects to this request because it is overly broad and unduly burdensome, seeks confidential and/or proprietary information and seeks information that is not relevant to the subject matter of this action or reasonably calculated to lead to the discovery of admissible evidence. Abbott further objects to this request because the terms “testing,” “charging,” “reporting” and “valuation” are vague and ambiguous.

Subject to and without waiving any of its objections, because this request is duplicative of many of Plaintiffs’ Requests, including but not limited to Request Nos. 6, 7, 8, 13, 15, 17 and 19, Abbott incorporates its responses and objections to those requests here. Except as otherwise provided in these responses, Abbott will not produce responsive documents. Abbott is withholding documents protected by the attorney-client privilege, the work-product doctrine and/or the accountant-client privilege.

REQUEST FOR PRODUCTION NO. 62: Documents concerning the computation, testing or reporting of the amount of any discounts, rebates, chargebacks, free goods or any other discounts to the price of the Identified Drugs, or any reserve related thereto.

RESPONSE: In addition to its preliminary objections, Abbott objects to this request because it is overly broad and unduly burdensome, seeks confidential and/or proprietary information and seeks information that is not relevant to the subject matter of this action or reasonably calculated

to lead to the discovery of admissible evidence. Abbott further objects to this request because the terms “computation,” “testing,” “reporting” and “reserve” are vague and ambiguous.

Subject to and without waiving any of its objections, because this request is duplicative of Plaintiffs’ Request Nos. 6, 17 and 19, Abbott incorporates its responses and objections to those requests here. Except as otherwise provided in these responses, Abbott will not produce responsive documents. Abbott is withholding documents protected by the attorney-client privilege, the work-product doctrine and/or the accountant-client privilege.

REQUEST FOR PRODUCTION NO. 63: Documents concerning Price Representation, VDP Reported Price, and/or VDP Reimbursement Price for the Identified Drugs during the Specified Time Period.

RESPONSE: In addition to its preliminary objections, Abbott objects to this request because it is overly broad and unduly burdensome in general and to the extent it purports to seek documents relating to the price at which VDP reimburses the Identified Drugs, and because the terms “Price Representation” “VDP Reported Price” and “VDP Reimbursement Price” are vague and ambiguous. Abbott further objects to this request because it seeks documents already in the State of Texas’ possession, custody or control.

Subject to and without waiving any of its objections, Abbott will produce non-privileged responsive documents, to the extent they exist and are reasonably obtainable, relating to communications and applications between VDP and Abbott regarding Abbott’s drugs listed in Exhibit A to the Second Amended Petition for the period from September 1, 1995 to the present. Abbott is withholding documents protected by the attorney-client privilege and the work-product doctrine.

REQUEST FOR PRODUCTION NO. 64: Trial balances or other documents referencing testing of:

- (a) various accounts including incentives, discounts, refunds, chargebacks, rebates and any other discounts to customers with respect to the Identified Drugs; or
- (b) gross sales to net sales, including all contra sales accounts with respect to the Identified Drugs.

RESPONSE: In addition to its preliminary objections, Abbott objects to this request because it is overly broad and unduly burdensome, seeks confidential and/or proprietary information and seeks information that is not relevant to the subject matter of this action or reasonably calculated to lead to the discovery of admissible evidence. Abbott further objects to this request because the terms “trial balances,” “testing,” “various accounts,” “gross sales to net sales” and “contra sales” are vague and ambiguous.

Subject to and without waiving any of its objections, because this request is duplicative of Plaintiffs’ Request Nos. 6, 12, 17 and 19, Abbott incorporates its responses and objections to those requests here. Except as otherwise provided in these responses, Abbott will not produce responsive documents. Abbott is withholding documents protected by the attorney-client privilege, the work-product doctrine and/or the accountant-client privilege.

REQUEST FOR PRODUCTION NO. 65: Documents concerning the calculation or accounting of net realizable sales of the Identified Drugs.

RESPONSE: In addition to its preliminary objections, Abbott objects to this request because it is overly broad, unduly burdensome and seeks information that is not relevant to the subject matter of this action or reasonably calculated to lead to the discovery of admissible evidence.

Abbott further objects to this request because the term “net realizable sales” is vague and ambiguous. Without a definition of net realizable sales, Abbott cannot appropriately respond to this request.

REQUEST FOR PRODUCTION NO. 66: Notes, memoranda or other documents which constitute communications between or among your independent auditor's personnel concerning Abbott and the Identified Drugs, Abbott's participation in the federal Medicaid Rebate Program or Abbott's participation in the Texas Medicaid Program.

RESPONSE: In addition to its preliminary objections, Abbott objects to this request because it is overly broad and unduly burdensome to the extent it seeks "notes, memoranda or other documents which constitute communications between or among your independent auditor's personnel concerning Abbott and the Identified Drugs."

Abbott further objects to this request because it seeks confidential and/or proprietary information and information protected by the Medicaid Rebate Statute and Abbott's Medicaid Rebate agreement with the federal government, and because it seeks information that is not relevant to the subject matter of this action or reasonably calculated to lead to the discovery of admissible evidence by asking for information relating to the Federal Medicaid Rebate Program.

Abbott will not produce responsive documents. Abbott is withholding documents protected by the attorney-client privilege, the work-product doctrine and the accountant-client privilege.

REQUEST FOR PRODUCTION NO. 67: Documents sufficient to identify personnel who performed any independent auditing function for you during the Specified Time Period concerning Drug Pricing, Drug Reimbursement, and/or concerning the Identified Drugs including, but not limited to, engagements, time budgets and analyses, billing runs and memoranda.

RESPONSE: In addition to its preliminary objections, Abbott objects to this request because it is overly broad and unduly burdensome to the extent it seeks engagements, time budgets and analyses, billing runs and memoranda relating to independent auditors, and because the terms "independent auditing function," "engagements," "time budgets and analyses" and "billing runs" are vague and ambiguous.

Abbott further objects to this request because it seeks confidential and/or proprietary information and seeks information that is not relevant to the subject matter of this action or reasonably calculated to lead to the discovery of admissible evidence.

Abbott will not produce responsive documents. Abbott is withholding documents protected by the attorney-client privilege, the work-product doctrine and/or the accountant-client privilege.



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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument was served on this 20th day of September, 2004 as follows to:

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