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STATE OF WISCONSIN,	)	
	)	
Plaintiff,	)	Case No.: 04-CV-1709
	)	
v.	)	
	)	
AMGEN INC., et. al.,	)	
	)	
Defendants.	)	
	)	

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**AVENTIS PHARMACEUTICALS INC.’S OBJECTIONS AND RESPONSES TO  
PLAINTIFF’S FIRST SET OF CONSOLIDATED DISCOVERY REQUESTS  
TO ALL DEFENDANTS**

Pursuant to Wis. Stat. §§ 804.1, 804.8, 804.9 and 804.11, Defendant Aventis Pharmaceuticals Inc. (“Aventis”), by its attorneys, responds to Plaintiff’s First Set of Consolidated Discovery Requests to All Defendants (“Requests”) as follows.

**PRELIMINARY STATEMENT**

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

2. By responding to these Requests, Aventis does not waive or intend to waive: (a) any objections as to the competency, relevancy, materiality, privilege, status, or admissibility as evidence, for any purpose, of any documents or information produced in response to the Requests; (b) the right to object on any ground to the use of the documents or information produced in response to the Requests at any deposition, hearing, trial or other proceeding, or to

their use in any pleading or submission; or (c) the right to object on any ground at any time to a demand for further responses to the Requests.

3. No objection made herein, or lack thereof, is an admission by Aventis as to the existence or non-existence of any information.

4. The objections and responses made herein are based on Aventis's investigation to date of those sources within its control where it reasonably believes responsive documents or information may exist. Aventis reserves the right to amend or supplement these objections and responses in accordance with the applicable rules and court orders and based on results of its continuing investigation.

5. Aventis's responses and objections are submitted without prejudice to Aventis's right to produce evidence of any subsequently discovered fact. Aventis accordingly reserves its right to provide further responses and objections as additional facts are ascertained.

6. The provision of information in response to these Requests shall not be construed as a waiver of the confidentiality of such information. Aventis's responses and objections to these Requests contain information that will be subject to the Protective Order in place in this case.

7. Unless expressly admitted, each and every Request for Admission is hereby denied.

### **GENERAL OBJECTIONS**

1. Aventis objects to the Requests to the extent that they seek information, documents, or admissions that are neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence.

2. Aventis objects to the Requests to the extent that they seek information not limited to Aventis's practices in Wisconsin.

3. Aventis objects to the Requests to the extent that they are overly broad, unduly burdensome, ambiguous, or vague, are not described with reasonable particularity, lack a readily discernible meaning, and/or require Aventis to speculate as to the information sought.

4. Aventis objects to the Requests on the grounds that they are unduly burdensome to the extent that they purport to require Aventis to compile, analyze, compose, and/or summarize voluminous data or information for Plaintiff.

5. Aventis objects to the Requests to the extent that responding would involve unreasonable expense.

6. Aventis objects to the Requests to the extent they attempt to impose obligations on Aventis other than those imposed or authorized by the Wisconsin Rules of Civil Procedure and/or any applicable order of this Court.

7. Aventis objects to the Requests to the extent that they demand production of any document covered by the attorney-client privilege, work product privilege, or any other applicable privilege. In the event any privileged document is produced by Aventis, its production is inadvertent and does not constitute waiver of any privilege.

8. Aventis objects to the Requests to the extent that they seek admissions as to legal conclusions.

9. Aventis objects to the Requests to the extent that they call for the production of information or documents not within its possession, custody, or control or that are more appropriately sought from third parties to whom requests have been or may be directed.

10. Aventis objects to the Requests to the extent that they are unreasonably cumulative or that they call for documents that are publicly available, already in the possession, custody, or control of the Plaintiff, have already been made available to the Plaintiff, or are obtainable from some other source that is more convenient, less burdensome, or less expensive, on the grounds that such production is duplicative and unduly burdensome.

11. Aventis objects to the Requests to the extent that they request admission of matters not within Aventis's knowledge and to the extent that they request admission of matters for which Plaintiff bears the burden of proof.

12. Aventis objects to the Requests to the extent that they call for the disclosure of proprietary, commercially sensitive, or other confidential information, the probative value of which is outweighed by Aventis's interest in preserving its confidentiality. Any such materials produced will be subject to the Protective Order in this matter. Aventis further objects to the disclosure, under any circumstance, of trade secret information and hereby asserts each and every applicable privilege and rule governing confidentiality to the fullest extent provided by law.

13. Aventis objects to the Requests as overly broad and unduly burdensome to the extent that they call for the identification of "each," "any," or "all" when relevant information can be obtained from fewer than "each," "any," or "all."

14. Aventis objects to the Requests to the extent that they seek information or documents other than information or documents that can be located upon a search of files or other sources where such information or documents can reasonably be expected to be found.

15. Aventis objects to the Requests to the extent that they are not limited to the drugs at issue in this action.

16. Aventis objects to the Requests to the extent that they seek information or documents from outside the statute of limitations applicable to the claims in this action or beyond the time period relevant to this action.

17. Aventis objects to any implications and to any explicit or implicit characterization of the facts, events, circumstances, or issues contained in the Requests. Aventis's response that it will identify or produce documents in connection with a particular Interrogatory or Request, or that it has no responsive documents, does not indicate that any implication or any explicit or implicit characterization of facts, events, circumstances, or issues in the Interrogatory or Request is accurate, relevant to this litigation, or that Aventis agrees with such implications or characterizations.

18. Aventis objects to the Requests to the extent that they are argumentative.

19. Aventis objects to the Requests to the extent that they call for Aventis to restore and produce archived data that presently exists on media no longer utilized by Aventis and which requires the use of equipment and/or software no longer used or maintained by Aventis, on the grounds that the Requests are overly broad, unduly burdensome, duplicative, and not reasonably calculated to lead to the discovery of admissible evidence. Aventis further objects to the Requests to the extent that they seek production of any data that does not reside in complete form in an active and readily acceptable format, is presently unreadable or unusable, or cannot be verified as accurate.

20. Aventis reserves the right to assert additional objections to the Requests as appropriate and to amend or supplement these responses and objections in accordance with the applicable rules and court orders. Aventis also reserves the right to object to the use of its responses at trial or other hearing or proceeding, as Aventis deems necessary and appropriate.

To the extent that Aventis may provide information or documents in response to any Interrogatory or Request herein, Aventis does so without limiting or waiving any of the substantive objections it may otherwise have available.

21. Aventis incorporates by reference, as if fully set forth herein, any objection or reservation of rights made by any co-defendant in this action to the extent that such objection or reservation of rights is not inconsistent with Aventis's position in this action.

Aventis expressly incorporates these General Objections into each specific response to the Requests set for below as if set forth in full therein. The response to an Interrogatory or Request shall not operate as a waiver of any applicable specific or general objection to an Interrogatory or Request.

### **OBJECTIONS TO DEFINITIONS AND INSTRUCTIONS**

1. Aventis objects to the "Definitions" and "Instructions" to these Requests on the grounds that they are unduly burdensome, vague, and ambiguous and to the extent they attempt to impose obligations on Aventis other than those imposed or authorized by the Wisconsin Rules of Civil Procedure and/or any applicable order of this Court.

2. Aventis objects to the definition of the term "document" as set forth in Plaintiff's Definition No. 1 on the grounds that it is overly broad, unduly burdensome, vague and ambiguous. Aventis further objects to this definition to the extent it seeks to impose discovery obligations that are broader than, or inconsistent with, Aventis's obligations under the applicable Wisconsin Rules of Civil Procedure. Aventis further objects to this definition to the extent that it purports to require Aventis to identify or produce documents or data in a particular form or format, to convert documents or data into a particular media, to search for and/or produce or

identify documents or data on back-up tapes, to produce any proprietary software, data, programs or databases, to violate any licensing agreement or copyright laws, or to produce data fields, records, or reports about produced documents or data. The production of any documents or data or the provision of other information by Aventis as an accommodation to Plaintiff shall not be deemed to constitute a waiver of this objection.

3. Aventis objects to the definition of the term “identify” as set forth in Plaintiff’s Definition No. 2 on the grounds that it is overly broad and unduly burdensome.

4. Aventis objects to the definition of the term “incentive” as set forth in Plaintiff’s Definition No. 3 on the grounds that it is overly broad, vague, ambiguous, and argumentative. Aventis further objects to the terms “chargeback” and “pharmaceutical” on the ground that, despite Plaintiff’s suggestion otherwise, these terms are not defined in the Definitions portion of its Requests. Aventis further objects on the ground that defining “payments or proposed payments in cash or in kind; chargebacks (see definition above); credits; discounts such as return-to-practice discounts, prompt-pay discounts, volume discounts, on-invoice discounts, or off-invoice discounts; rebates such as market-share rebates, access rebates, or bundled-drug rebates; free goods or samples; administrative fees or administrative-fee reimbursements; marketing fees; stocking fees; conversion fees; patient education fees; off-invoice pricing; educational or other grants; research funding; payments for participation in clinical trials; honoraria; speaker’s fees or payments; patient education fees; or consulting fees” as *per se* “incentives” is argumentative and each of those terms included in the definition is overly broad, vague and ambiguous. Aventis further objects to this definition to the extent that it seeks information outside the time period relevant to this action.

5. Aventis objects to the definition of the terms “you,” “your,” and “your company” as set forth in Plaintiff’s Definition No. 4 to the extent the Requests are directed to not only Aventis but to its “its domestic or foreign parents, and any other affiliated company, subsidiary, division, joint venture or other entity having at least 10% ownership interest in [Aventis]; [Aventis’s] agents, independent contractors, directors, employees, officers, and representatives; and merged, consolidated or acquired predecessors; and any other person or entity acting on behalf of [Aventis]” on the grounds that such an expansive Definition is overly broad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and calls for the production of documents or information that are not relevant to the subject matter of the pending action. Aventis will conduct a reasonable search for responsive documents, but does not undertake any responsibility to search for documents in the possession of other persons or separate corporate entities, which are not in Aventis’s possession, custody, or control.

## **RESPONSES TO CONSOLIDATED DISCOVERY REQUESTS**

### **CONSOLIDATED DISCOVERY REQUEST NO. 1**

**REQUEST FOR ADMISSION NO. 1:** At no time has the State of Wisconsin, its Department of Health & Family Services, or any employee thereof, explicitly approved your practice of reporting to First DataBank average wholesale prices (“AWPs”) for your drugs that were not the true average prices charged by wholesalers to their customers for your drugs.

**RESPONSE:** Denied. Aventis objects to this Request because the phrases “explicitly approved your practice” and “true average prices” are vague, ambiguous and undefined. Aventis also objects to this Request because it is argumentative; there are no “true” AWP’s other than those published by pricing publications. Aventis also objects to this Request because it assumes facts that are material and disputed by the parties. Aventis objects to this Request because it

inaccurately assumes both that Aventis provided AWP to First DataBank and that it knew what wholesalers' sales prices to retail pharmacies in Wisconsin were.

Subject to and without waiving these objections, Aventis believes that the State was aware of extensive governmental and other materials that informed payers such as the Department of Health & Family Services that retail pharmacists in Wisconsin purchased prescription drugs at prices that were significantly lower than published AWP. Armed with this knowledge, the State made an informed decision to reimburse retail pharmacists at a discount off AWP for prescription drugs dispensed to Medicaid recipients. Throughout the relevant period, the State knowingly and intentionally used this industry term of art as a reimbursement benchmark regardless of whether it "approved" or "disapproved" the process by which First DataBank set AWP.

Aventis further notes that, to the extent that the State has decided to continue to use AWP to reimburse retail pharmacies even after filing this suit, it must be assumed that the State approves – either explicitly or indirectly – the incorporation of AWP into the State's Medicaid reimbursement scheme as an industry standard mark up of 20-25% over brand list prices.

INTERROGATORY NO. 1: If your response to Request for Admission No. 1 is anything other than an unqualified admission, state all bases for your responses, including the following:

- (a) identify whether the approval was made verbally or in writing;
- (b) identify the person(s) who approved the practice;
- (c) identify the date(s) on which the approval was made;
- (d) state whether the approval was communicated to you;
- (e) if the approval was communicated to you, state whether the communication was made verbally or in writing;
- (f) if the approval was communicated to you, identify the date of such communication(s);
- (g) if the approval was communicated to you, identify the person(s) who received the communication(s);
- (h) if the approval was communicated to you, identify the person(s) who received the communication(s);
- (i) identify all documents relating to the approval of the practice; and

(j) identify all documents relating to the communication of the approval to you.

ANSWER: Aventis objects to this Interrogatory because the phrase “approved the practice” is vague, ambiguous, and undefined. Subject to and without waiving this objection, Aventis refers Plaintiff to its Response to Request for Admission No. 1.

REQUEST FOR PRODUCTION OF DOCUMENTS NO. 1: Produce all documents identified in your Response to Interrogatory No. 1.

RESPONSE: Aventis refers Plaintiff to its Response to Request for Admission No. 1 and Answer to Interrogatory No. 1. By way of further response, Aventis states that this Request seeks documents or information equally available to Plaintiff or already in Plaintiff’s custody or control.

**CONSOLIDATED DISCOVERY REQUEST NO. 2**

REQUEST FOR ADMISSION NO. 2: At no time has the State of Wisconsin, its Department of Health & Family Services, or any employee thereof, explicitly approved your practice of reporting to First DataBank suggested wholesale prices (“SWPs”) that were not the true average prices charged by wholesalers to their customers for your drugs.

RESPONSE: Denied. Aventis objects to this Request because the phrases “explicitly approved your practice” and “true average prices” are vague, ambiguous and undefined. Aventis also objects to this Request because it is argumentative; there are no “true” SWPs other than those published by pricing publications. Aventis further objects to this Request because it assumes facts that are material and disputed by the parties. Aventis objects to this Request because it inaccurately assumes both that Aventis provided SWPs to First DataBank and that it knew what wholesalers’ sales prices to retail pharmacies in Wisconsin were. Aventis objects that SWP is not relevant to this litigation because the State chose not to use SWP for reimbursement in the Wisconsin Medicaid Program. Finally, Aventis incorporates herein its response to Request for Admission No. 1.

INTERROGATORY NO. 2: If your response to Request for Admission No. 2 is anything other than an unqualified admission, state all bases for your response, including the following:

- (a) identify whether the approval was made verbally or in writing;
- (b) identify the person(s) who approved the practice;
- (c) identify the date(s) on which the approval was made;
- (d) state whether the approval was communicated to you;
- (e) if the approval was communicated to you, state whether the communication was made verbally or in writing;
- (f) if the approval was communicated to you, identify the date of such communication(s);
- (g) if the approval was communicated to you, identify the person(s) who received the communication(s);
- (h) if the approval was communicated to you, identify the person(s) who received the communication(s);
- (i) identify all documents relating to the approval of the practice; and
- (j) identify all documents relating to the communication of the approval to you.

ANSWER: Aventis objects to this Interrogatory because the phrase “approved the practice” is vague, ambiguous, and undefined. Subject to and without waiving this objection, Aventis refers Plaintiff to its Response to Request for Admission No. 2.

REQUEST FOR PRODUCTION OF DOCUMENTS NO. 2: Produce all documents identified in your Response to Interrogatory No. 2.

RESPONSE: Aventis refers Plaintiff to its Response to Request for Admission No. 2 and Answer to Interrogatory No. 2. By way of further response, Aventis states that this Request seeks documents or information equally available to Plaintiff or already in Plaintiff’s custody or control.

### **CONSOLIDATED DISCOVERY REQUEST NO. 3**

REQUEST FOR ADMISSION NO. 3: At no time has the State of Wisconsin, its Department of Health & Family Services, or any employee thereof, explicitly approved your practice of reporting to First DataBank wholesale acquisition costs (“WACs”) that were not the true average prices, net of discounts, rebates, chargebacks, and incentives, paid by wholesalers to you.

RESPONSE: Denied. Aventis objects to this Request because the phrases “explicitly approved your practice” and “true average prices” are vague, ambiguous and undefined. Aventis

incorporates its objection to Plaintiff's definition of the terms "chargebacks" and "incentives." Aventis also objects to this Request because it is argumentative and falsely implies that WAC was intended to equal the net amount paid by wholesalers, when in fact WAC is a list price for pharmaceutical products that does not include "discounts, rebates, chargebacks and incentives."

Subject to and without waiving these objections, Aventis noted in the descriptions of WAC (and WAC equivalents) that it provided to First DataBank during the applicable time period that its WAC (and WAC equivalents) are "list prices" to wholesalers, which do not include discounts, rebates, or chargebacks. Aventis believes that the State was aware of extensive governmental and other materials that informed payers such as the Department of Health & Family Services that WAC (and WAC equivalents) were "list prices" to wholesalers that did not include discounts, rebates, or chargebacks. Aventis typically charged wholesalers the reported WAC (or WAC equivalent) price on the invoice that Aventis sent to these customers. The reported WACs (and WAC equivalents) were thus "actual" or "real" invoice prices. Aventis typically offered wholesalers an industry-standard "prompt pay" discount, which could be earned by the wholesaler if it paid Aventis within a specified timeframe. In addition, as specifically set forth in the WAC (and WAC equivalent) definitions that Aventis shared with First DataBank, there were occasionally stocking and distribution allowances and other discounts and rebates that were sometimes made available to customers that were not included in the WAC (or WAC equivalent) list price. To put it another way, because WAC is the Company's undiscounted list price, it would have been confusing and incorrect to report a discounted, net price paid by one or more of its customers as Aventis's WAC price.

INTERROGATORY NO. 3: If your response to Request for Admission No. 3 is anything other than an unqualified admission, state all bases for your response, including the following:

- (a) identify whether the approval was made verbally or in writing;

- (b) identify the person(s) who approved the practice;
- (c) identify the date(s) on which the approval was made;
- (d) state whether the approval was communicated to you;
- (e) if the approval was communicated to you, state whether the communication was made verbally or in writing;
- (f) if the approval was communicated to you, identify the date of such communication(s);
- (g) if the approval was communicated to you, identify the person(s) who received the communication(s);
- (h) if the approval was communicated to you, identify the person(s) who received the communication(s);
- (i) identify all documents relating to the approval of the practice; and
- (j) identify all documents relating to the communication of the approval to you.

ANSWER: Aventis objects to this Interrogatory because the term “approved the practice” is vague, ambiguous, and undefined. Subject to and without waiving this objection, Aventis refers Plaintiff to its Response to Request for Admission No. 3.

REQUEST FOR PRODUCTION OF DOCUMENTS NO. 3: Produce all documents identified in your Response to Interrogatory No. 3.

RESPONSE: Aventis refers Plaintiff to its Response to Request for Admission No. 3 and Answer to Interrogatory No. 3. By way of further response, Aventis states that this Request seeks documents or information equally available to Plaintiff or already in Plaintiff’s custody or control.

#### **CONSOLIDATED DISCOVERY REQUEST NO. 4**

REQUEST FOR ADMISSION NO. 4: The average wholesale prices (“AWPs”) that you reported to First DataBank for your drugs were not the true average prices charged by wholesalers to their customers for your drugs. Rather, the AWPs that you reported to First DataBank for your drugs were more than the true average prices charged by wholesalers to their customers for your drugs.

RESPONSE: Denied. Aventis objects to Request for Admission No. 4 on the grounds that it is vague, ambiguous, overly broad, and unduly burdensome. Aventis also objects to this Request, because the phrase “true average prices” is vague, ambiguous, and undefined. Aventis also objects to this Request because it assumes facts that are material and disputed by the parties.

Aventis objects to this Request because it inaccurately assumes both that Aventis provided AWP's to First DataBank and that it knew what wholesalers' sales prices to retail pharmacies in Wisconsin were.

Subject to and without waiving these objections, Aventis states that prior to September 2001, it periodically included suggested AWP's when providing pricing data to the pricing publications. These suggested AWP's were always standard industry mark-ups over the Company's list prices and were based on the historical practice of the pricing publications themselves. Because AWP's, by long historical practice, were set for branded medicines at 20% to 25% above list price, they could not be equal to list prices or actual averages of net prices charged to large customers by Aventis.

Further responding, Aventis believes that the State appears to have understood this decades-long industry practice and was aware that retail pharmacists in Wisconsin purchased prescription drugs at prices that were significantly lower than published AWP's. Armed with this knowledge, the State made an informed decision to reimburse retail pharmacists at a discount off AWP for prescription drugs dispensed to Medicaid recipients.

INTERROGATORY NO. 4: If your response to Request for Admission No. 4 is anything other than an unqualified admission, state all bases for your response and identify all documents that support or relate to your response.

ANSWER: Aventis refers Plaintiff to its Response to Request for Admission No. 4.

REQUEST FOR PRODUCTION OF DOCUMENTS NO. 4: Produce all documents identified in your Response to Interrogatory No. 4.

RESPONSE: Aventis refers Plaintiff to its Response to Request for Admission No. 4 and Answer to Interrogatory No. 4.

## **CONSOLIDATED DISCOVERY REQUEST NO. 5**

**REQUEST FOR ADMISSION NO. 5:** The suggested wholesale prices (“SWPs”) that you reported to First DataBank for your drugs were not the true average prices charged by wholesalers to their customers for your drugs. Rather, the SWPs that you reported to First DataBank for your drugs were more than the true average prices charged by wholesalers to their customers for your drugs.

**RESPONSE:** Denied. Aventis objects to Request for Admission No. 5 on the grounds that it is vague, ambiguous, overly broad, and unduly burdensome. Aventis also objects to this Request, because the phrase “true average prices” is vague, ambiguous, and undefined. Aventis also objects to this Request because it assumes facts that are material and disputed by the parties. Aventis objects to this Request because it inaccurately assumes both that Aventis provided SWPs to First DataBank and that it knew what wholesalers’ sales prices to retail pharmacies in Wisconsin were. Aventis objects that SWP is not relevant to this litigation because the State chose not to use SWP for reimbursement in the Wisconsin Medicaid Program. Finally, Aventis incorporates herein its response to Request for Admission No. 4.

**INTERROGATORY NO. 5:** If your response to Request for Admission No. 5 is anything other than an unqualified admission, state all bases for your response and identify all documents that support or relate to your response.

**ANSWER:** Aventis refers Plaintiff to its Response to Request for Admission No. 5.

**REQUEST FOR PRODUCTION OF DOCUMENTS NO. 5:** Produce all documents identified in your Response to Interrogatory No. 5.

**RESPONSE:** Aventis refers Plaintiff to its Response to Request for Admission No. 5 and Answer to Interrogatory No. 5.

## **CONSOLIDATED DISCOVERY REQUEST NO. 6**

**REQUEST FOR ADMISSION NO. 6:** The wholesale acquisition costs (“WACs”) that you reported to First DataBank for your drugs were not the true average prices, net of discounts, rebates, chargebacks, and incentives, paid by wholesalers to you for your drugs. Rather, the

WACs that you reported to First DataBank for your drugs were more than the true average prices, net of discounts, rebates, chargebacks, and incentives, paid by wholesalers to you for your drugs.

RESPONSE: Denied. Aventis objects to Request for Admission No. 6 on the grounds that it is vague, ambiguous, overly broad, and unduly burdensome. Aventis incorporates its objection to Plaintiff's definition of the terms "chargebacks" and "incentives." Aventis also objects to this Request because it is argumentative and falsely implies that WAC was intended to equal the net amount paid by wholesalers, when in fact WAC is a list price for pharmaceutical products that does not include "discounts, rebates, chargebacks and incentives."

Subject to and without waiving these objections, Aventis noted in the descriptions of WAC (and WAC equivalents) that it provided to First DataBank during the applicable time period that its WAC (and WAC equivalents) are "list prices" to wholesalers, which do not include discounts, rebates, or chargebacks. Aventis believes that the State was aware of extensive governmental and other materials that informed payers such as the Department of Health & Family Services that WAC (and WAC equivalents) were "list prices" to wholesalers that did not include discounts, rebates, or chargebacks. Aventis typically charged wholesalers the reported WAC (or WAC equivalent) price on the invoice that Aventis sent to these customers. The reported WACs (and WAC equivalents) were thus "actual" or "real" invoice prices. Aventis typically offered wholesalers an industry-standard "prompt pay" discount, which could be earned by the wholesaler if it paid Aventis within a specified timeframe. In addition, as specifically set forth in the WAC (and WAC equivalent) definitions that Aventis shared with First DataBank, there were occasionally stocking and distribution allowances and other discounts and rebates that were sometimes made available to customers that were not included in the WAC (or WAC equivalent) list price. To put it another way, because WAC is the Company's

undiscounted list price, it would have been confusing and incorrect to report a discounted, net price paid by one or more of its customers as Aventis's WAC price.

INTERROGATORY NO. 6: If your response to Request for Admission No. 6 is anything other than an unqualified admission, state all bases for your response and identify all documents that support or relate to your response.

ANSWER: Aventis refers Plaintiff to its Response to Request for Admission No. 6. By way of further response, Aventis also refers Plaintiff to the wholesaler transaction data produced by third parties, including AmerisourceBergen, McKesson, and Cardinal.

REQUEST FOR PRODUCTION OF DOCUMENTS No. 6: Produce all documents identified in your Response to Interrogatory No. 6.

RESPONSE: Aventis refers Plaintiff to its Response to Request for Admission No. 6 and Answer to Interrogatory No. 6.

Dated: June 16, 2008.

By: /s/ Joseph G. Matye  
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AVENTIS PHARMACEUTICALS INC.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 16th day of June, 2008, a true and correct copy of Aventis Pharmaceuticals Inc.'s Objections and Responses to Plaintiff's First Set of Consolidated Discovery Requests to All Defendants was served on counsel of record by Lexis Nexis File & Serve.

AVENTIS PHARMACEUTICALS INC.

/s/ Joseph G. Matye \_\_\_\_\_

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