

STATE OF WISCONSIN,

Plaintiff,

v.

ABBOTT LABORATORIES, *et. al.*,

Defendants.

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Case No.: 04 CV 1709

**DEFENDANTS' THIRD JOINT SET OF  
REQUESTS FOR ADMISSION TO PLAINTIFF**

Pursuant to Wis. Stat. § 804.11, Defendants request that Plaintiff, the State of Wisconsin, make the following admissions within thirty (30) days of service.

**DEFINITIONS**

1. The term "And" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the request any information that might otherwise be construed to be outside its scope.

2. "Wisconsin," "you" or "your" means the State of Wisconsin, including but not limited to the office of the Department of Health and Family Services, the Department of Administration, the Governor's Office, the Legislative Fiscal Bureau, the Joint Committee on Finance, the Legislative Audit Bureau, the Legislative Reference Bureau, and any other Wisconsin agencies and programs.

**INSTRUCTIONS**

1. Your responses, under oath, to each request for admission shall include such information as is within Your custody, possession, or control, or that of Your attorneys, investigators, employees, agents, consultants, or anyone acting on Your behalf.

2. Any denial of a request for admission shall fairly meet the substance of the request for admission.

3. If You deny any of the requests for admission set forth below, or any part thereof, set forth specifically the matters that are being denied and all grounds and reasons for the denial of each such request for admission, and produce all documents that support Your denial or denials.

4. If You cannot truthfully admit or deny any of the requests for admission, or any part thereof, set forth in detail all grounds and reasons for your inability to truthfully admit or deny each such request for admission. If You claim that You require additional information in order to admit or deny any of the requests, You are requested to explain what You have done to obtain the information You claim You need to admit or deny the request.

5. If written objections to a request for admission, or any part thereof, are made by You, the remainder of the request for admission shall be answered.

6. If good faith requires that You deny only a part, or requires a qualification, of a matter that is the subject of a request for admission, You shall admit so much of the requests for admission as is true and deny only the remainder.

### **REQUESTS FOR ADMISSION**

#### **REQUEST NO. 101:**

That the document attached hereto as Exhibit 101 is a true and correct copy of a letter from Zeneca Pharmaceuticals to Medicaid Pharmacy Program Administrator, dated January 23, 1998, and, pursuant to Wis. Stat. Ch. 909, is authentic.

**REQUEST NO. 102:**

That the document attached hereto as Exhibit 102 is a true and correct copy of a letter from Dey to State Medicaid Administrator, dated August 10, 1999, and, pursuant to Wis. Stat. Ch. 909, is authentic.

**REQUEST NO. 103:**

That the document attached hereto as Exhibit 103 is a true and correct copy of a Department of Health and Family Services Controlled Correspondence file containing a letter from Mark Moody to Gary F. Franke, dated March 17, 2004, and, pursuant to Wis. Stat. Ch. 909, is authentic.

**REQUEST NO. 104:**

That the document attached hereto as Exhibit 104 is a true and correct copy of an e-mail from Neil Gebhart to Robert Blaine, dated January 6, 2005, and, pursuant to Wis. Stat. Ch. 909, is authentic.

**REQUEST NO. 105:**

That the document attached hereto as Exhibit 105 is a true and correct copy of Wisconsin State Plan Amendment 79-0032, dated September 21, 1979, and, pursuant to Wis. Stat. Ch. 909, is authentic.

**REQUEST NO. 106:**

That the document attached hereto as Exhibit 106 is a true and correct copy of a letter from Martin Stanton, Regional Medicaid Director, to Donald Percy, Secretary, DHSS, dated April 16, 1979, and, pursuant to Wis. Stat. Ch. 909, is authentic.

**REQUEST NO. 107:**

That the document attached hereto as Exhibit 107 is a true and correct copy of a Wisconsin Medical Assistance Provider Bulletin, *Pharmacy Policy and Billing Information*, dated December 15, 1989, and, pursuant to Wis. Stat. Ch. 909, is authentic.

**REQUEST NO. 108:**

That the document attached hereto as Exhibit 108 is a true and correct copy of a memorandum from Christine Nye, Director, BHCF, to Mark Gajewski, Executive Director, EDS, dated May 1, 1990, and, pursuant to Wis. Stat. Ch. 909, is authentic.

**REQUEST NO. 109:**

That the document attached hereto as Exhibit 109 is a true and correct copy of a National Association of Chain Drug Stores Issue Brief entitled "Assuring Appropriate Payment for Medicaid Prescription Drugs and Pharmacy Services," dated March 14, 2001, and, pursuant to Wis. Stat. Ch. 909, is authentic.

**REQUEST NO. 110:**

That the document attached hereto as Exhibit 110 is a true and correct copy of a DHFS 1999-2001 Biennial Budget Issue Paper entitled "Cost of Drugs," dated September 15, 1998, and, pursuant to Wis. Stat. Ch. 909, is authentic.

**REQUEST NO. 111:**

That the document attached hereto as Exhibit 111 is a true and correct copy of an e-mail from Steve Wilke to Governor Doyle, dated June 28, 2003, and, pursuant to Wis. Stat. Ch. 909, is authentic.

**REQUEST NO. 112:**

That the document attached hereto as Exhibit 112 is a true and correct copy of an e-mail from William Emmons to Governor Doyle, dated June 28, 2003, and, pursuant to Wis. Stat. Ch. 909, is authentic.

**REQUEST NO. 113:**

That the document attached hereto as Exhibit 113 is a true and correct copy of an e-mail from Mike Flint to Governor Doyle, dated June 28, 2003, and, pursuant to Wis. Stat. Ch. 909, is authentic.

**REQUEST NO. 114:**

That the document attached hereto as Exhibit 114 is a true and correct copy of an e-mail from Barry Schulman to Governor Doyle, dated June 28, 2003, and, pursuant to Wis. Stat. Ch. 909, is authentic.

**REQUEST NO. 115:**

That the document attached hereto as Exhibit 115 is a true and correct copy of an e-mail from Peg Breuer to Governor Doyle, dated June 29, 2003, and, pursuant to Wis. Stat. Ch. 909, is authentic.

**REQUEST NO. 116:**

That the document attached hereto as Exhibit 116 is a true and correct copy of an e-mail from Joel C. Schulze to Governor Doyle, dated June 30, 2003, and, pursuant to Wis. Stat. Ch. 909, is authentic.

**REQUEST NO. 117:**

That the document attached hereto as Exhibit 117 is a true and correct copy of an e-mail from David Musa to Governor Doyle, dated June 30, 2003, and, pursuant to Wis. Stat. Ch. 909, is authentic.

**REQUEST NO. 118:**

That the document attached hereto as Exhibit 118 is a true and correct copy of an e-mail from Jane Greishar to Governor Doyle, dated June 30, 2003, and, pursuant to Wis. Stat. Ch. 909, is authentic.

**REQUEST NO. 119:**

That the document attached hereto as Exhibit 119 is a true and correct copy of an e-mail from Elizabeth DeVore to Governor Doyle, dated July 2, 2003, and, pursuant to Wis. Stat. Ch. 909, is authentic.

**REQUEST NO. 120:**

That the document attached hereto as Exhibit 120 is a true and correct copy of a document entitled "2005-2007 Budget Issue Summary," and, pursuant to Wis. Stat. Ch. 909, is authentic.

**REQUEST NO. 121:**

That the document attached hereto as Exhibit 121 is a true and correct copy of a document entitled "First DataBank Drug Pricing Policy," dated May 2, 2005, and, pursuant to Wis. Stat. Ch. 909, is authentic.

**REQUEST NO. 122:**

That the document attached hereto as Exhibit 122 is a true and correct copy of an e-mail chain containing an e-mail from Rebecca Aldaz to Dale Rehm, DHFS, dated April 21, 2005, and, pursuant to Wis. Stat. Ch. 909, is authentic.

**REQUEST NO. 123:**

That the document attached hereto as Exhibit 123 is a true and correct copy of a document entitled "DHCF Current Policy, Brand Medically Necessary and Medicaid Maximum Allowable Cost List," and, pursuant to Wis. Stat. Ch. 909, is authentic.

**REQUEST NO. 124:**

That the document attached hereto as Exhibit 124 is a true and correct copy of a summary from the Congressional Budget Office of the Congress of the United States entitled "How Increased Competition from Generic Drugs Has Affected Prices and Returns in the Pharmaceutical Industry," dated July 1998, and, pursuant to Wis. Stat. Ch. 909, is authentic.

**REQUEST NO. 125:**

That the document attached hereto as Exhibit 125 is a true and correct copy of a document entitled "Strategies for Managing Prescription Drugs, Wisconsin Medicaid, BadgerCare and SeniorCare," and, pursuant to Wis. Stat. Ch. 909, is authentic.

**REQUEST NO. 126:**

That the document attached hereto as Exhibit 126 is a true and correct copy of a document entitled "Strategies for Managing Prescription Drugs – Wisconsin Medicaid," dated August 8, 2002, and, pursuant to Wis. Stat. Ch. 909, is authentic.

**REQUEST NO. 127:**

That the document attached hereto as Exhibit 127 is a true and correct copy of a document entitled "MA Facts," and, pursuant to Wis. Stat. Ch. 909, is authentic.

**REQUEST NO. 128:**

That the document attached hereto as Exhibit 128 is a true and correct copy of a State of Wisconsin document entitled "Alternative Pharmacy Benefit Management of Medicaid Prescription Drugs," dated May 24, 2005, and, pursuant to Wis. Stat. Ch. 909, is authentic.

**REQUEST NO. 129:**

That the document attached hereto as Exhibit 129 is a true and correct copy of a document entitled "Wisconsin Medicaid and BadgerCare, Pharmacy Handbook – Covered Services and Reimbursement Section," dated July 2001, and, pursuant to Wis. Stat. Ch. 909, is authentic.

**REQUEST NO. 130:**

That the document attached hereto as Exhibit 130 is a true and correct copy of a document entitled "Wisconsin Medicaid and BadgerCare, Pharmacy Handbook – SeniorCare Section," dated July 2003, and, pursuant to Wis. Stat. Ch. 909, is authentic.

**REQUEST NO. 131:**

That the document attached hereto as Exhibit 131 is a true and correct copy of the Transmittal and Notice of Approval of State Plan Material, dated July 1, 1981, and, pursuant to Wis. Stat. Ch. 909, is authentic.

**REQUEST NO. 132:**

That the document attached hereto as Exhibit 132 is a true and correct copy of the Wisconsin Pharmacy Reimbursement Commission Minority Report, and, pursuant to Wis. Stat. Ch. 909, is authentic.

**REQUEST NO. 133:**

That the data described in and served with the letter attached as Exhibit 133 contains a true and correct copy of the DHFS Drug Pricing File, and, pursuant to Wis. Stat. Ch. 909, is authentic.

January 15, 2008

/s/ Jennifer Walker

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*Attorneys for Amgen Inc.*

## CERTIFICATE OF SERVICE

I hereby certify that on January 15, 2008, a true and correct copy of the foregoing was served upon all counsel of record via electronic service pursuant to Case Management Order No. 1 by causing a copy to be sent to LexisNexis File & Serve for posting and notification.

/s/ Marc A. Marinaccio

Marc A. Marinaccio