

the right to object on any ground at any time to a demand for further responses to the Requests; or (iv) the right at any time to revise, correct, add to, supplement, or clarify any of the responses contained herein.

3. The J&J Defendants' responses and objections shall not be deemed to constitute admissions:

- a. that any particular document or thing exists, is relevant, nonprivileged, or admissible in evidence; or
- b. that any statement or characterization in the Interrogatories is accurate or complete.

4. The J&J Defendants' responses are made based upon reasonable review and diligent investigation to date.

5. The J&J Defendants reserve the right at any time to revise, supplement, correct, clarify, or add to these responses and objections, or to revise, supplement, correct, clarify, or add to any production of information made pursuant to the Requests. The J&J Defendants further reserve the right to object on any ground at any time to a demand for further answers to the Requests.

6. The J&J Defendants' responses and objections are submitted without prejudice to the J&J Defendants' right to produce evidence of any subsequently discovered fact. The J&J Defendants accordingly reserve their right to provide further responses and objections as additional facts are ascertained.

7. To the extent that the J&J Defendants' responses to the Requests concern information or documents subject to the Protective Order in this action, they must be treated accordingly.

GENERAL OBJECTIONS

The J&J Defendants make the following General Objections, which apply to each and

every Request, and are incorporated by reference in each and every response below as if set forth fully therein. Failure to reiterate a General Objection below does not constitute a waiver of that or any other objection.

1. The J&J Defendants object 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. The J&J Defendants further object to the Requests to the extent that they seek information not limited to the J&J Defendants' practices in Wisconsin.

2. The J&J Defendants object 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 the J&J Defendants to speculate as to the information sought.

3. The J&J Defendants object to the Requests on the ground that they are unduly burdensome to the extent that they purport to require the J&J Defendants to compile, analyze, compute, and/or summarize voluminous data or information for Plaintiff.

4. The J&J Defendants object to the Requests to the extent that responding to them would involve unreasonable expense.

5. The J&J Defendants object to the Requests to the extent that they seek to impose obligations broader than, or inconsistent with, the J&J Defendants' obligations under the Wisconsin Rules of Civil Procedure or other applicable law.

6. The J&J Defendants object to the Requests to the extent that they call for the production of information or documents that are protected from disclosure by the work-product doctrine, attorney-client privilege, accountant-client privilege, consulting expert privilege,

investigative privileges, any common interest or joint defense agreement, or any other applicable privilege or protection. To the extent that any such protected material is inadvertently disclosed or produced in response to the Requests, the disclosure or production of such material shall not constitute a waiver of the J&J Defendants' right to assert the applicability of any privilege or immunity to the material, and the J&J Defendants demands that any such material be returned to the J&J Defendants' counsel immediately upon discovery thereof.

7. The J&J Defendants object to the Requests to the extent that they seek admissions as to legal conclusions.

8. The J&J Defendants object to the Requests to the extent that they call for the production of information or documents not within their possession, custody, or control or that are more appropriately sought from third parties to whom requests have been or may be directed. The J&J Defendants further object to the Requests to the extent that they request admission of matters not within the J&J Defendants' knowledge and to the extent that they request admission of matters for which Plaintiff bears the burden of proof.

9. The J&J Defendants object to the Requests to the extent that they seek disclosure of information or documents that are publicly available, equally available to the Plaintiff, or already in the possession, custody, or control of the Plaintiff.

10. The J&J Defendants object 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 the J&J Defendants' interest in preserving their confidentiality. Any such materials produced will be subject to the Protective Order entered in this matter. The J&J Defendants further object 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.

11. The J&J Defendants object 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.”

12. The J&J Defendants object to the Requests to the extent that they are not limited to the drugs at issue in this action.

13. The J&J Defendants object 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. The production of any documents or the provision of any other information by the J&J Defendants that pre-dates or post-dates the relevant time period shall not be deemed to constitute a waiver of this objection.

14. The J&J Defendants object to any implication and to any explicit or implicit characterization of facts, events, circumstances, or issues in the Requests. The J&J Defendants’ responses to the Requests shall not be construed as admissions to any legal conclusion, or that any explicit or implicit characterization of the facts, events, circumstances, or issues contained in the Requests are relevant to this action.

15. The J&J Defendants object to the Requests to the extent that they are argumentative.

16. The J&J Defendants reserve 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. The J&J Defendants also reserve the right to object to the use of any of their responses at trial or other hearing or proceeding, as the J&J Defendants deems necessary and appropriate. To the extent that the J&J Defendants may

provide information or documents in response to any Request herein, the J&J Defendants do so without limiting or waiving any of the substantive objections they may otherwise have available.

17. The J&J Defendants hereby incorporate 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 the J&J Defendants' position in this action.

OBJECTIONS TO DEFINITIONS AND INSTRUCTIONS

The J&J Defendants make the following objections to Plaintiff's definitions and instructions in the Requests, which are incorporated by reference in each and every specific response below:

1. The J&J Defendants object to the definition of "document" as set forth in Definition No. 1 on the grounds that it is vague and ambiguous. The J&J Defendants also object to this definition to the extent it seeks to impose discovery obligations that are broader than, or inconsistent with, the J&J Defendants' obligations under Wisconsin rules, statutes, or other applicable law. The J&J Defendants further object to this definition to the extent it requires or seeks to require the J&J Defendants: (i) to produce documents or data in a particular form or format; (ii) to convert documents or data into a particular or different file format; (iii) to produce data, fields, records, or reports about produced documents or data; (iv) to produce documents or data on any particular media; (v) to search for and/or produce any documents or data on back-up tapes; (vi) to produce any proprietary software, data, programs, or databases; or (vii) to violate any licensing agreement or copyright laws. The production of any documents or data or the provision of other information by the J&J Defendants as an accommodation to Plaintiff shall not be deemed to constitute a waiver of this objection.

2. The J&J Defendants object to the definition of “identify” as set forth in Definition No. 2 on the grounds that, taken together with the Requests, this term is overly broad and unduly burdensome.

3. The J&J Defendants object to the definition of “You” and “Your” and “Your company” on the grounds that it is overly broad, unduly burdensome, vague, and ambiguous. The J&J Defendants further object to this definition to the extent that it purports to impose discovery obligations that are broader than, or inconsistent with, the J&J Defendants’ obligations under the Wisconsin rules, statutes, or other applicable law. The J&J Defendants object to this definition to the extent that it seeks to impose an obligation on the J&J Defendants to provide information that is not in the possession, custody, or control of the J&J Defendants, and insofar as it purports to require the J&J Defendants to speculate concerning the identities of individuals and business entities included in these definitions. The J&J Defendants also object to this definition to the extent that it purports to require the J&J Defendants to search files other than their own and seeks the production of information and documents protected from disclosure under the attorney-client privilege, the work-product doctrine, the joint defense privilege, the common interest doctrine, or any other legally recognized privilege, immunity or exemption from discovery.

4. The J&J Defendants object to the “Definitions” and “Instructions” to the extent that they purport to impose discovery obligations that are broader than, or inconsistent with, the J&J Defendants’ obligations under the Wisconsin rules, statutes, or other applicable law.

SPECIFIC RESPONSES AND OBJECTIONS

Subject to the foregoing General Objections, and without waiving and expressly

preserving all such objections that are incorporated by reference in the response below, the J&J Defendants respond to Plaintiff's Requests as follows:

RESPONSES TO CONSOLIDATED DISCOVERY REQUEST NO. 7

REQUEST FOR ADMISSION NO. 7: At no time has the State of Wisconsin and you agreed on the meaning or definition of average wholesale price ("AWP").

RESPONSE: In addition to their General Objections, which are incorporated herein by reference, the J&J Defendants object to Request for Admission No. 7 on the grounds that it is overly broad and unduly burdensome. The J&J Defendants further object to this request on the grounds that the term "agreed" is vague, ambiguous and undefined. The J&J Defendants further object to this request to the extent it seeks information that is not within the J&J Defendants' possession, custody or control, publicly available, or more readily available to Plaintiff. Additionally, the J&J Defendants object to this request to the extent it implies that the J&J Defendants have a legal duty to reach an explicit agreement with the State of Wisconsin as to the definition of AWP.

Based on their General and Specific Objections, the J&J Defendants deny Request for Admission No. 7.

INTERROGATORY NO. 7: If your response to Request for Admission No. 7 is anything other than an unqualified admission, state all bases for your response, including the following:

- (a) identify the definition of AWP that you contend the State of Wisconsin and you agreed on;
- (b) identify the date when you contend that the State of Wisconsin and you first agreed on the definition of AWP provided in response to subpart (a) of this interrogatory;
- (c) state whether you contend that the State of Wisconsin and you agreed on the definition of AWP provided in your response to subpart (a) of this interrogatory as of the date that you answer this second set of consolidated discovery requests to all defendants;
- (d) if your answer to subpart (c) is "no," identify the last date when you contend the State of Wisconsin and you agreed on the definition of AWP provided in response to subpart (a) of this interrogatory;

- (e) state whether you contend that the State of Wisconsin and you together developed the definition of AWP provided in response to subpart (a) of this interrogatory;
- (f) if your answer to subpart (e) is "yes," describe in detail the manner in which the State of Wisconsin and you together developed the definition of AWP provided in response to subpart (a) of this interrogatory, including (1) the identity of each person involved in the development of the definition; (2) the role of each such person; (3) the dates of each such person's participation in the development of the definition; and (4) the dates and substance of each communication between the State of Wisconsin and you regarding the development of the definition of AWP
- (g) identify all documents supporting your response to request for admission no. 7;
- (h) identify all documents supporting your answer to interrogatory no. 7, including all subparts; and
- (i) identify all documents supporting any contention you provide in your answer to interrogatory no. 7, including all subparts.

RESPONSE: In addition to their General Objections, which are incorporated herein by reference, the J&J Defendants object to Interrogatory No. 7 on the grounds that it is overly broad and unduly burdensome. The J&J Defendants further object to this request on the grounds that the terms "agreed" and "together developed" are vague, ambiguous and undefined. The J&J Defendants further object to this request to the extent it seeks information that is not within the J&J Defendants' possession, custody or control, publicly available, or more readily available to Plaintiff. Additionally, the J&J Defendants object to this request to the extent it implies that the J&J Defendants have a legal duty to reach an explicit agreement with the State of Wisconsin as to the definition of AWP.

Notwithstanding their General and Specific Objections, and without waiving them, the J&J Defendants state that both they and the State of Wisconsin understood throughout the entire relevant time period that AWP is a reimbursement benchmark, and does not represent an actual average of wholesale prices. The J&J Defendants further state that the State of Wisconsin chose and continues to use AWP as a basis for reimbursement despite, and in part because of, its understanding that AWP does not represent an actual average of wholesale prices. The J&J

Defendants additionally state that Plaintiff is already in possession of documents from which the answer to this interrogatory may be obtained. Additionally, the J&J Defendants refer Plaintiff to Defendants' briefing and attached exhibits filed in response to Plaintiff's motions for summary judgment, which contain information generally responsive to this interrogatory.

REQUEST FOR PRODUCTION OF DOCUMENTS NO. 7 Produce all documents identified in your Answer to Interrogatory No. 7.

RESPONSE: In addition to their General Objections, which are incorporated herein by reference, the J&J Defendants object to Request for Production of Documents No. 7 on the grounds that it is overly broad and unduly burdensome. The J&J Defendants also object to this request to the extent it seeks information that is not within the J&J Defendants' possession, custody or control, publicly available, or more readily available to Plaintiff. The J&J Defendants also incorporate by reference their answer and objections to Interrogatory No. 7 of these Requests.

Notwithstanding their General and Specific Objections, and without waiving them, the J&J Defendants state that Plaintiff is already in possession of documents generally responsive to this request.

RESPONSES TO CONSOLIDATED DISCOVERY REQUEST NO. 8

REQUEST FOR ADMISSION NO. 8: At no time has the State of Wisconsin and you agreed on the meaning or definition of wholesale acquisition cost ("WAC").

RESPONSE: In addition to their General Objections, which are incorporated herein by reference, the J&J Defendants object to Request for Admission No. 8 on the grounds that it is overly broad and unduly burdensome. The J&J Defendants further object to this request on the grounds that the term "agreed" is vague, ambiguous and undefined. The J&J Defendants further object to this request to the extent it seeks information that is not within the J&J Defendants'

possession, custody or control, publicly available, or more readily available to Plaintiff.

Additionally, the J&J Defendants object to this request to the extent it implies that the J&J Defendants have a legal duty to reach an explicit agreement with the State of Wisconsin as to the definition of WAC.

Based on their General and Specific Objections, the J&J Defendants deny Request for Admission No. 8.

INTERROGATORY NO. 2: If your response to request for admission no. 8 is anything other than an unqualified admission, state all bases for your response, including the following:

- (a) identify the definition of WAC that you contend the State of Wisconsin and you agreed on;
- (b) identify the date when you contend that the State of Wisconsin and you first agreed on the definition of WAC provided in response to subpart (a) of this interrogatory;
- (c) state whether you contend that the State of Wisconsin and you agreed on the definition of WAC provided in your response to subpart (a) of this interrogatory as of the date that you answer this second set of consolidated discovery requests to all defendants;
- (d) if your answer to subpart (c) is "no," identify the last date when you contend the State of Wisconsin and you agreed on the definition of WAC provided in response to subpart (a) of this interrogatory;
- (e) state whether you contend that the State of Wisconsin and you together developed the definition of WAC provided in response to subpart (a) of this interrogatory;
- (f) if your answer to subpart (e) is "yes," describe in detail the manner in which the State of Wisconsin and you together developed the definition of WAC provided in response to subpart (a) of this interrogatory, including (1) the identity of each person involved in the development of the definition; (2) the role of each such person; (3) the dates of each such person's participation in the development of the definition; and (4) the dates and substance of each communication between the State of Wisconsin and you regarding the development of the definition of WAC;
- (g) identify all documents supporting your response to request for admission no. 8;
- (h) identify all document supporting your answer to interrogatory no. 8, including all subparts;
- (i) identify all documents supporting any contention you provide in your answer to interrogatory no. 8, including all subparts.

RESPONSE: In addition to their General Objections, which are incorporated herein by reference, the J&J Defendants object to Interrogatory No. 8 on the grounds that it is overly broad

and unduly burdensome. The J&J Defendants further object to this request on the grounds that the terms “agreed” and “together developed” are vague, ambiguous and undefined. The J&J Defendants further object to this request to the extent it seeks information that is not within the J&J Defendants’ possession, custody or control, publicly available, or more readily available to Plaintiff. Additionally, the J&J Defendants object to this request to the extent it implies that the J&J Defendants have a legal duty to reach an explicit agreement with the State of Wisconsin as to the definition of WAC.

Notwithstanding their General and Specific Objections, and without waiving them, the J&J Defendants state that both they and the State of Wisconsin understood throughout the entire relevant time period that WAC is a list price for pharmaceutical products that does not include customary prompt-pay discounts or other discounts. The J&J Defendants further state that Plaintiff is already in possession of documents from which the answer to this interrogatory may be obtained. Such documents include, but are not limited to, federal statutes, reports from various branches of the federal government and, upon information and belief, documents from the files of various agencies of the State of Wisconsin. Additionally, the J&J Defendants refer Plaintiff to Defendants’ briefing and attached exhibits filed in response to Plaintiff’s motions for summary judgment, which contain information generally responsive to this interrogatory.

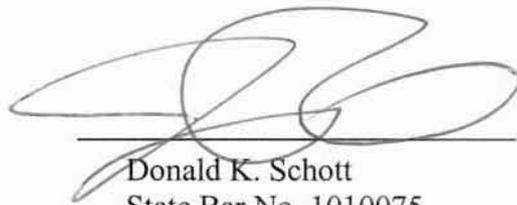
REQUEST FOR PRODUCTION OF DOCUMENTS NO. 8: Produce all documents identified in your response to interrogatory No. 8.

RESPONSE: In addition to their General Objections, which are incorporated herein by reference, the J&J Defendants object to Request for Production of Documents No. 8 on the grounds that it is overly broad and unduly burdensome. The J&J Defendants further object to this request on the grounds that the terms “agreed” and “together developed” are vague, ambiguous and undefined. The J&J Defendants further object to this request to the extent it

seeks information that is not within the J&J Defendants' possession, custody or control, publicly available, or more readily available to Plaintiff. The J&J Defendants also incorporate by reference their answer and objections to Interrogatory No. 8 of these Requests.

Notwithstanding their General and Specific Objections, and without waiving them, the J&J Defendants state that Plaintiff is already in possession of documents generally responsive to this request.

August 11, 2008



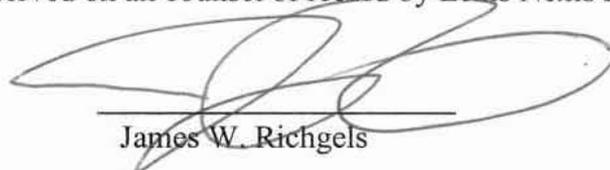
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Certificate of Service

I, James W. Richgels, hereby certify that on this 11th day of August 2008, a true and correct copy of THE J&J DEFENDANTS' RESPONSES AND OBJECTIONS TO PLAINTIFF STATE OF WISCONSIN'S SECOND SET OF CONSOLIDATED DISCOVERY REQUESTS TO ALL DEFENDANTS was served on all counsel of record by Lexis Nexis File & Serve®.



James W. Richgels