

2. Pfizer has not completed its investigation and discovery relating to this case. The specific responses set forth below and any production made pursuant to the accompanying document requests are based upon, and necessarily limited by, information now available to Pfizer.

3. Pfizer objects to these Requests to the extent that they seek documents and information that are neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence, are overly broad, unduly burdensome, ambiguous and vague.

4. Pfizer objects to these Requests to the extent they call for the production of documents or information protected from disclosure under the attorney-client privilege, the work product doctrine, or any other legally recognized privilege, immunity, or exemption from discovery. To the extent that any such protected documents or information are inadvertently produced in response to these Requests, the production of such documents or information shall not constitute a waiver of Pfizer's right to assert the applicability of any privilege or immunity to the documents or information, and any such documents or information shall be returned to Pfizer's counsel immediately upon discovery thereof.

5. Pfizer objects to these Requests to the extent that they seek production of publicly available documents or information, or that which Plaintiff can obtain from other sources.

6. Pfizer's responses to these Requests are submitted without prejudice to Pfizer's right to produce evidence of any subsequently discovered fact. Pfizer accordingly reserves its right to produce further responses and answers as additional facts are ascertained.

7. Pfizer's responses to these Requests contain information subject to the Protective Order in this matter and must be treated accordingly.

8. Pfizer objects to these Requests to the extent that they seek to impose discovery obligations that are broader than, or inconsistent with, Pfizer's obligations under the Wisconsin Rules of Civil Procedure.

9. Pfizer objects to any implications and to any explicit or implicit characterization of facts, events, circumstances, or issues in these Requests. Pfizer's response that it will produce documents in connection with a particular request, or that it has no responsive documents, is not intended to indicate that Pfizer agrees with any implication or any explicit or implicit characterization of facts, events, circumstances, or issues in the Requests or that such implications or characterizations are relevant to this action.

10. Pfizer objects to each Request to the extent that it calls for the identification or production of documents or information not relevant to the issues in this action and is not reasonably calculated to lead to the discovery of admissible evidence.

11. Pfizer objects to each Request to the extent that it calls for production of documents or information not within its possession, custody, or control or are more appropriately sought from third parties to whom requests have been or may be directed.

12. Pfizer objects to each Request to the extent that it calls for information that is confidential, proprietary, and/or a trade secret of a third party. Any such materials produced will be subject to the Protective Order entered in this action.

13. Pfizer objects to each Request to the extent that it seeks disclosure of information that is a matter of public record, is equally available to the Plaintiff, or is already in the possession of the Plaintiff.

14. Pfizer objects to the definition of "document" on the grounds that it is vague and ambiguous and to the extent that it seeks to impose obligations beyond those imposed by the

applicable Wisconsin Rules of Civil Procedure. Pfizer further objects to this definition to the extent that it purports to require Pfizer to identify or produce documents or data in a particular form or format, to convert documents or data into a particular file format, to produce documents or data on any 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 Pfizer as an accommodation to Plaintiff shall not be deemed to constitute a waiver of this objection.

15. Pfizer objects to the definition of “targeted drugs” to the extent that it (i) refers to information not relevant to Plaintiff’s claims, which are limited to Wisconsin, (ii) seeks information from beyond the time period from September 1, 1993 to June 4, 2004 (i.e., the time period relevant to this litigation); or (iii) includes drugs Pfizer did not manufacture, produce or sell during that time period relevant in this litigation, on the grounds that such information is neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence.

16. Pfizer objects to the definition of the terms “you,” “your,” and “your company” on the grounds that it is vague, ambiguous and overbroad. The responses herein are made on behalf of Pfizer Inc.

17. Pfizer objects to the time-period specified by the Requests to the extent it encompasses any time-period before September 1, 1993 or any time period after June 4, 2004, and does not fall within any of the exceptions (the document discovery time-period set by the Court).

18. Pfizer objects to Plaintiff's "Definitions" and "Instructions" to the extent Plaintiff intends to expand upon or alter Pfizer's obligations under the Wisconsin Rules of Civil Procedure. Pfizer will comply with applicable rules of civil procedure in providing its responses and objections to the Requests.

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

RESPONSES AND OBJECTIONS TO SPECIFIC REQUESTS
CONSOLIDATED DISCOVERY REQUEST NO. 1

REQUEST FOR ADMISSION At no time has the State of Wisconsin, its Department of Health and 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: In addition to the General Objections set forth above, Pfizer objects to this Request for Admission on the grounds that it is overly broad and unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Pfizer objects to this Request for Admission on the grounds that it is vague and ambiguous with respect to the language "explicitly approved," "your practice," "reporting," "AWPs," "your drugs," "true average prices," "charged by wholesalers," and "customers." Pfizer incorporates by reference its objections to the State's definition of the terms "you" and "your."

Pfizer further objects that this Request for Admission is predicated on the false and mistaken premise, which Wisconsin knows not to be true, that the state had any right, basis or ability to approve any manufacturer's reporting of AWP's to First DataBank.

Subject to and without waiving its objections, Pfizer responds that it never reported AWP's to First DataBank. Accordingly, this Request is: DENIED.

INTERROGATORY NO. 1: If your response to Request for Admission No. 1 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
- (f) communication was made verbally or in writing;
- (g) if the approval was communicated to you, identify the date of such communication(s);
- (h) if the approval was communicated to you, identify the person(s) who made the communication(s);
- (i) identify all documents relating to the approval of the practice;
- (j) identify all documents relating to the communication of the approval to you.

RESPONSE: See Response to Request for Admission No. 1.

REQUEST FOR PRODUCTION Produce all documents identified in your Response to Interrogatory No. 1.

RESPONSE: See Response to Request for Admission No. 1.

CONSOLIDATED DISCOVERY REQUEST NO. 2

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

RESPONSE: In addition to the General Objections set forth above, Pfizer objects to this Request for Admission on the grounds that it is overly broad and unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Pfizer objects to this Request for Admission on the grounds that it is vague and ambiguous with respect to the language “explicitly approved,” “your practice,” “reporting,” “SWPs,” “your drugs,” “true average prices,” “charged by wholesalers,” and “customers.” Pfizer incorporates by reference its objections to the State’s definition of the terms “you” and “your.” Pfizer further objects that this Request for Admission is predicated on the false and mistaken premise, which Wisconsin knows not to be true, that the state had any right, basis or ability to approve any manufacturer’s reporting of SWPs to First DataBank. Subject to and without waiving its objections, Pfizer responds that it never reported SWPs to First DataBank. Accordingly, this Request is:

DENIED.

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

RESPONSE: See Response to Request for Admission No. 2.

REQUEST FOR PRODUCTION Produce all documents identified in your Response to Interrogatory No. 2.

RESPONSE: See Response to Request for Admission No. 2.

CONSOLIDATED DISCOVERY REQUEST NO. 3

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

RESPONSE: In addition to the General Objections set forth above, Pfizer objects to this Request for Admission on the grounds that it is overly broad and unduly burdensome, and

not reasonably calculated to lead to the discovery of admissible evidence. Pfizer objects to this Request for Admission on the grounds that it is vague and ambiguous with respect to the language “explicitly approved,” “your practice,” “reporting,” “WACs,” “your drugs,” “true average prices,” “net of discounts,” “rebates,” “chargebacks,” “incentives,” “paid by,” and “wholesalers.” Pfizer incorporates by reference its objections to the State’s definitions of the terms “you” and “your.”

Pfizer further objects that this Request for Admission is predicated on the false and mistaken premise that Wisconsin had any right, basis or ability to approve any manufacturer’s reporting of WACs to First DataBank. In addition, this Request for admission is predicated on the further false and mistaken premise that WACs are “true average prices, net of discounts, rebates, chargebacks, and incentives, paid by wholesalers [to manufacturers] for [their] drugs.”

Without waiving and subject to these objections, Pfizer responds that WACs are list prices, which, by common and universal definition, usage and practice, do not reflect or incorporate discounts, chargebacks or incentives. Pfizer further responds that Wisconsin fully understands what a list price is and that to the extent it contends otherwise in this litigation, it does so disingenuously. Accordingly, this Request is: DENIED.

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 made 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;

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

RESPONSE: See Response to Request for Admission No. 3.

REQUEST FOR PRODUCTION Produce all documents identified in your Response to Interrogatory No. 3.

RESPONSE: See Response to Request for Admission No. 3.

CONSOLIDATED DISCOVERY REQUEST NO. 4

REQUEST FOR ADMISSION 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 AWP’s 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: In addition to the General Objections set forth above, Pfizer objects to this Request for Admission on the grounds that it is overly broad and unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Pfizer objects to this

Request for Admission on the grounds that it is vague and ambiguous with respect to the language “AWPs,” “reported,” “your drugs,” “true average prices,” “charged by wholesalers,” and “customers.” Pfizer incorporates by reference its objections to the State’s definition of the terms “you” and “your.” Pfizer further responds that Wisconsin fully understands what a list price is and that to the extent it contends otherwise in this litigation, it does so disingenuously.

Pfizer further objects that this Request for Admission is predicated on the false and mistaken assumption, which Wisconsin knows not to be true, that the AWP’s published by First DataBank were “average prices charged by wholesalers to their customers.”

Subject to and without waiving its objections, Pfizer states that it did not report AWP’s to First DataBank. Accordingly, this Request is: DENIED.

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.

RESPONSE: See Response to Request for Admission No. 4.

REQUEST FOR PRODUCTION Produce all documents identified in your Response to Interrogatory No. 4.

RESPONSE: See Response to Request for Admission No. 4.

CONSOLIDATED DISCOVERY REQUEST NO. 5

REQUEST FOR ADMISSION 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: In addition to the General Objections set forth above, Pfizer objects to this Request for Admission on the grounds that it is overly broad and unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Pfizer objects to this Request for Admission on the grounds that it is vague and ambiguous with respect to the language “SWPs,” “reported,” “your drugs,” “true average prices,” “charged by wholesalers,” and “customers.” Pfizer incorporates by reference its objections to the State’s definition of the terms “you” and “your.”

Pfizer further objects that this Request for Admission is predicated on the false and mistaken assumption, which Wisconsin knows not to be true, that the SWPs published by First DataBank were “average prices charged by wholesalers to their customers.”

Subject to and without waiving its objections, Pfizer states that it did not report SWPs to First DataBank. Accordingly, this Request is: DENIED.

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.

RESPONSE: See Response to Request for Admission No. 5.

REQUEST FOR PRODUCTION Produce all documents identified in your Response to Interrogatory No. 5.

RESPONSE: See Response to Request for Admission No. 5.

CONSOLIDATED DISCOVERY REQUEST NO. 6

REQUEST FOR ADMISSION 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: In addition to the General Objections set forth above, Pfizer objects to this Request for Admission on the grounds that it is overly broad and unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Pfizer objects to this Request for Admission on the grounds that it is vague and ambiguous with respect to the language “WACs,” “reported,” “your drugs,” “true average prices,” “net of discounts,” “rebates,” “chargebacks,” “incentives,” “paid by,” and “wholesalers.” Pfizer incorporates by reference its objections to the State’s definitions of the terms “you” and “your.”

Pfizer further objects that this Request for Admission is predicated on the false and mistaken premise that WACs are “true average prices, net of discounts, rebates, chargebacks, and incentives, paid by wholesalers [to manufacturers] for [their] drugs.”

Without waiving and subject to these objections, Pfizer responds that WACs are list prices, which, by common and universal definition, usage and practice, do not reflect or incorporate discounts, chargebacks or incentives. Pfizer further responds that Wisconsin fully understands what a list price is and that to the extent it contends otherwise in this litigation, it does so disingenuously. Accordingly, this Request is: DENIED.

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.

RESPONSE: Pfizer refers Wisconsin to any dictionary definition of “list price.” In addition, Pfizer refers Wisconsin to its product catalogues, and its terms of sale, which are

published in its catalogues. Pfizer also refers Plaintiff to wholesaler transactional data produced by third parties, including AmerisourceBergen, McKesson and Cardinal. Finally, Pfizer refers Wisconsin to the federal Medicaid statute, with which Wisconsin is presumed to be familiar.

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

RESPONSE: See Response to Interrogatory No. 6.

Dated this 16th day of June, 2008.



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CERTIFICATE OF SERVICE

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



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