

STATE OF WISCONSIN,

Plaintiff,

v.

AMGEN INC., *et al.*,

Defendants.

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) No. 04 CV 1709  
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PLAINTIFF STATE OF WISCONSIN'S SECOND SET OF  
CONSOLIDATED DISCOVERY REQUESTS TO ALL DEFENDANTS

PLEASE TAKE NOTICE that plaintiff requires each defendant to answer within 30 days hereof the following requests for admissions and interrogatories pursuant to Rules 804.08 and 804.11, and to produce at the offices of the Wisconsin Attorney General, Wisconsin, Department of Justice, P.O. Box 7857, Madison, WI 53707-7857, Attn: Frank Remington; and Miner, Barnhill & Galland, P.C., 44 E. Mifflin St., Ste. 803, Madison, WI 53703, Attn: Charles Barnhill, a copy of each of the following described documents pursuant to Rule 804.09.

Definitions

As used in these discovery requests, the following terms shall have the meanings set forth below:

1. The term "document" means any writing or recording of any kind, including, without limitation, agendas, agreements, analyses, announcements, audits, booklets, books, brochures, calendars, charts, contracts, correspondence, electronic mail (e-mail), facsimiles (faxes), film, graphs, letters, memos, maps, minutes (particularly Board of Directors and/or Executive Committee meeting minutes), notes, notices, photographs, reports, schedules, summaries, tables, telegrams, and videotapes, in any medium, whether written, graphic, pictorial, photographic, electronic, phonographic, mechanical, taped, saved on computer disk, hard drives, data tapes, or otherwise, and every non-identical copy. Different versions of the same document, such as

different copies of a written record bearing different handwritten notations, are different documents within the meaning of the term as used. In case originals or original non-identical copies are not available, "document" includes copies of originals or copies of non-identical copies as the case may be.

2. The term "identify" or "identity" when used in reference to a natural person, means to state the person's:

- (a) first and last name;
- (b) current or last-known job title;
- (c) current or last-known business address;
- (d) current or last-known business telephone number;
- (e) current or last-known home address; and
- (f) current or last-known home telephone number.

3. The term "you," "your," and/or "your company" means each defendant, its domestic or foreign parents, and any other affiliated company, subsidiary, division, joint venture or other entity having at least 10% ownership interest in defendant; defendant'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 defendant.

#### Instructions for Interrogatories

1. In answering these interrogatories, you are required to furnish all information that is available to you or subject to reasonable inquiry by you, including information in your possession, or the possession of your attorneys, and anyone else subject to your, or your attorneys' control.

2. These interrogatories should always be interpreted to be inclusive rather than exclusive, including interpreting the following as appropriate: the singular form of a word as plural, and vice versa; "and" to include "or," and vice versa; the past tense to include the present tense, and vice versa.

3. In responding to these interrogatories, preface each answer by restating the interrogatory to which it is addressed. If an interrogatory has subparts, answer each subpart separately and in full and do not limit your answer to the interrogatory as a whole. If you are

unable to answer an interrogatory fully, submit as much information as is available, explain why your answer is incomplete, and state the source or sources from which a complete or more complete answer may be obtained.

4. You have a duty to seasonably supplement or amend any answer or response whenever new or additional information subsequently becomes known to you.

#### Instructions for Requests for Admissions

1. Each matter of which admission is requested is admitted unless, within 30 days after service of the request, you serve upon plaintiff a written answer or objection addressed to the matter, signed by you or your attorney.

2. If objection is made, the reasons therefor shall be stated. The answer shall specifically deny the matter or set forth in detail the reasons why you cannot truthfully admit or deny the matter. A denial shall fairly meet the substance of the requested admission, and when good faith requires that you qualify an answer or deny only a part of the matter of which an admission is requested, you shall specify so much of it as is true and qualify or deny the remainder.

3. You may not give lack of information or knowledge as a reason for failure to admit or deny unless you state that you have made reasonable inquiry and that the information known or readily obtainable by you is insufficient to enable you to admit or deny.

4. If you consider that a matter of which an admission has been requested presents a genuine issue for trial, you may not, on that ground alone, object to the request.

5. If you fail or refuse to admit the truth of any request of fact hereinafter set forth, and plaintiff hereafter proves its truth, you may be required to pay the reasonable expenses incurred by plaintiff in making such proof, including attorneys' fees.

#### Instructions for Request for Production of Documents

1. You have a duty to seasonably supplement any response to the extent of documents which subsequently come into your possession or control or become known to you.

Instructions for all Discovery Requests

1. If you object, in whole or in part, to any request for admission, interrogatory, or request for production of documents, state with specificity the full objection(s) and the particularized basis for each objection. To the extent that you object to any portion of an interrogatory, you must respond to the remaining portion of the interrogatory to which you do not object.

2. If you object to any request for admission, interrogatory, or request for production of documents in whole or in part on the basis of any claimed privilege, provide the following information for each communication or information for which you claim a privilege:

- (a) the type of communication or information (*e.g.*, meeting, phone call, letter, data);
- (b) the date of the communication or information;
- (c) the identity of the author of any written communication, the speaker of any oral communication or the source of any information;
- (d) the identity of all persons who received or had access to any written communication or information and all persons present during any oral communication;
- (e) the subject matter of the communication or information;
- (f) the location of any information, written communication and recordings of any oral communication; and
- (g) the factual and legal basis on which you claim privilege.

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:

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 agree 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:

REQUEST FOR PRODUCTION OF DOCUMENTS NO. 7: Produce all documents identified in your response to interrogatory no. 7.

RESPONSE:

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:

INTERROGATORY NO. 8: 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 agree 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 documents 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:

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

RESPONSE:

J.B. VAN HOLLEN  
Attorney General

/s/ Robert S. Libman  
One of the Attorneys for Plaintiff

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Attorneys for Plaintiff, State of Wisconsin

CERTIFICATE OF SERVICE

Lisa Mecca Davis certifies that she caused a copy of the foregoing Consolidated Discovery Requests to be served upon all counsel of record, by LexisNexis File & Serve, this tenth day of July, 2008.

/s/ Lisa Mecca Davis  
Lisa Mecca Davis