

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH 9

DANE COUNTY

STATE OF WISCONSIN,

Plaintiff,

v.

Case No. 04 CV 1709

ABBOTT LABORATORIES, INC., et.al.,

Defendants.

PLAINTIFF'S RESPONSE TO DEFENDANTS'
THIRD JOINT SET OF REQUESTS FOR ADMISSION TO PLAINTIFF

Plaintiffs hereby respond to Defendants' First and Second Joint Set of Requests for Admission as follows:

GENERAL OBJECTIONS

1. By responding to these Requests, Plaintiff does not waive or intend to waive: (a) any objections as to the competency, relevancy, materiality, privilege, or admissibility as evidence, for any purpose, of information provided in response to the Requests; (b) the right to object on any ground to the use of the information provided in response to the Requests at any hearing, trial, or other point during the litigation; (c) the right to object on any ground at any time to a demand for further response to the Requests; or (d) the right at any time to revise, correct, add to, supplement, or clarify any of the responses to the Requests contained herein consistent with the applicable rules.

2. The responses made herein are based on Plaintiff's inquiry to date of those sources within its control where it reasonably believed responsive information may exist. The Plaintiff reserves the right to amend or supplement these responses in accordance with the applicable rules and Court orders.

3. The provision of information in response to these Requests shall not be construed as a waiver of the confidentiality of such information.

4. The Plaintiff objects to the Requests to the extent they seek information outside the knowledge, possession, custody, or control of the Plaintiff or its agents or employees, or that are more appropriately sought from third parties to whom requests have been or may be directed.

RESPONSES TO REQUESTS TO ADMIT

1. Plaintiff admits the authenticity under Wis. Stat. §909.01 of all Requests except for the Exhibits specifically indicated in paragraphs 2 through 5 below.

2. Plaintiff admits that it possessed a copy of Exhibits 109, 121, 124, and 126 and that Plaintiff produced a copy of its copy to the Defendants. However, without the original in its possession, subject to the offer and objection made in paragraph 3 below. The Plaintiff is not at this time able to admit the authenticity of these Exhibits.

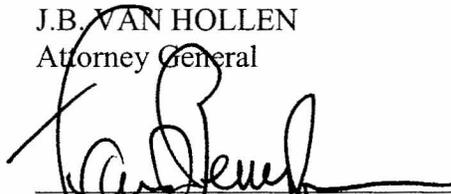
3. Plaintiff has been unable to determine the authenticity of Exhibits 123, 127, 128 and 132. These Exhibits do not bear markings indicating that they were produced by the Plaintiff to the Defendants in discovery. Without some guidance as to where Plaintiff might find these Exhibits so as to verify their authenticity, the Plaintiff OBJECTS on the ground that the requests are over burdensome. If Defendants will tell the Plaintiff where they secured these documents, Plaintiff will attempt to determine if they are authentic.

4. Plaintiff OBJECTS to Request no. 104 on the ground that the document is protected by attorney client privilege.

5. Plaintiff admits that the first page of Exhibits 133 is a copy of a letter between counsel and that the second page appears to be a photocopy of the compact disk produced to the Defendants that contained data taken from Plaintiff's computer system. Pursuant to Wis. Stat. §909.015(7), the Plaintiff admits the authenticity of its own data that it produced to the Defendants in discovery.

Dated this 4th day of February, 2008.

J.B. VAN HOLLEN
Attorney General



One of Plaintiff's Attorneys
FRANK D. REMINGTON
Assistant Attorney General
State Bar #1001131

Wisconsin Department of Justice
Post Office Box 7857
Madison, Wisconsin 53707-7857
(608) 266-3542