

STATE OF WISCONSIN

CIRCUIT COURT
Branch 9

DANE COUNTY

STATE OF WISCONSIN,)

Plaintiff,)

v.)

ABBOTT LABORATORIES, INC., et. al.,)

Defendants.)

Case No.: 04 CV 1709

**SECOND AMENDED NOTICE OF SECTION 804.05(2)(e)
DEPOSITION TO STATE OF WISCONSIN**

PLEASE TAKE NOTICE that pursuant to Section 804.05(2)(e) of the Wisconsin Statutes, Defendants, by and through their counsel, will take the deposition upon oral examination of a representative or representatives designated by the State of Wisconsin (hereinafter "Plaintiff") to testify on behalf of Plaintiff concerning all matters described herein, before a Notary Public or other person authorized to administer oaths at the offices of Foley & Lardner LLP, 150 East Gilman Street, Verex Plaza, Madison, Wisconsin 53703, on March 25, 2008 at 9:30 A.M., or at such other location and time agreeable to counsel. The deposition will be recorded by stenographic and/or sound and visual means and will continue from day to day until completion.

Pursuant to Section 804.05(2)(e), Plaintiff shall designate in writing to the undersigned counsel for Defendants one or more officers, officials, employees, or other representatives to testify on their behalf who are most knowledgeable about and will testify as to matters known or reasonably available to Plaintiff in regard to

the matters set forth below. Plaintiff is further requested to set forth the matter or matters on which each such designated person will testify.

All terms used in this Notice, whether or not capitalized, shall be defined as stated in Defendants' Second Set of Interrogatories Directed to Plaintiff and Defendants' Second Set of Document Requests Directed to Plaintiff.

Unless otherwise specified, the relevant time period is the period the alleged scheme began to the present.

AREAS OF INQUIRY

Defendants incorporate by reference the Areas of Inquiry set forth in Defendants' Amended Notice of Section 804.05(2)(e) Deposition to State of Wisconsin, served on July 30, 2007, as if fully set forth herein. In addition, Defendants request that Plaintiff identify a Section 804.05(2)(e) designee on the following topics:

23. The dispensing fee or administrative fee paid to providers for physician-administered drugs administered to Wisconsin Medical Assistance Program beneficiaries, including, but not limited to:

- a. The amount of the fee paid during the relevant time period;
- b. Changes or proposed changes to the fee during the relevant time period;
- c. Factors considered in determining the fee; and
- d. Studies performed to determine the appropriate fee.

24. The managed care organizations that provide prescription drug benefits or coverage to a beneficiary of any of the Wisconsin Medical Assistance Programs, including, but not limited to:

- a. The benefits and coverage provided to Wisconsin Medical Assistance Program beneficiaries by these organizations;
- b. The number of Wisconsin Medical Assistance Program beneficiaries covered by these organizations;
- c. The amount You paid to these managed care organizations for prescription drug benefits or coverage;
- d. How this amount was determined and calculated.

25. The State of Wisconsin's purchase of pharmaceutical drugs for its state-run entities, including, but not limited to:

- a. The state entities for which You purchase drugs;
- b. The types of drugs that You purchase for these entities;
- c. The approximate number of drugs purchased and the amount of money spent on purchasing drugs for state-entities each year;
- d. How the price for these drugs is negotiated and set; and
- e. How the price for these drugs compares to the published First DataBank AWP's for these drugs.

26. Information about the data produced by the State of Wisconsin, including, but not limited to:

- a. MMIS data.
 - 1) Description of the data.
 - 2) The payment basis for each claim.
 - 3) The meaning of the fields.
 - 4) How the amount for each field is determined.
- b. HCPCS Refresh data.
 - 1) Description of the data.
 - 2) Criteria used to select the list of HCPCS codes in the Excel file produced by the State.

- 3) The payment basis for each claim.
- 4) The different pricing levels and circumstances under which these pricing levels apply.
- 5) How the rate for the different pricing levels is determined.
- 6) Drug administration and other services billed on the claims contained in the data.
- 7) Whether dual-eligible claims are included, and if so, whether the allowed amount includes only Medicaid's share or both Medicare's and Medicaid's shares.

c. Wisconsin Encounter data.

- 1) Description of the data.
- 2) Whether the records in the data relate to pharmacy services only.
- 3) Whether the charge amount is equal to the amount paid by managed care organization.
- 4) The reimbursement rate paid to the managed care organizations for these claims.
- 5) Circumstances under which a Medicaid price would be applied to the claims.
- 6) What each file represents.
- 7) The decode information for the dispense as written codes.
- 8) The managed care program that each claim corresponds to.

d. DHFS Wisconsin Rebate Files.

- 1) Description of the data.

e. DHFS Pricing Files.

- 1) Description of the data.

- f. Wisconsin Medicare Claims data.
- 1) Description of the data.
 - 2) Meaning of the data fields.
 - 3) Whether dual-eligible claims are included, and if so, whether the allowed amount includes only Medicaid's share or both Medicare's and Medicaid's shares.

February 15, 2008

/s/ Jennifer A. Walker

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Attorneys for Amgen Inc.

CERTIFICATE OF SERVICE

I hereby certify that on February 15, 2008, a true and correct copy of the foregoing document was served upon all counsel of record via LexisNexis File & Serve.

/s/ Laurice Y. Chen