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STATE OF WISCONSIN,

Plaintiff,

v.

Case No. 04-CV-1709

AMGEN, INC., et al.,

Defendants.

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**ASTRAZENECA'S RESPONSES AND OBJECTIONS TO PLAINTIFF  
STATE OF WISCONSIN'S NOTICE OF DEPOSITION OF DEFENDANTS  
ASTRAZENECA PHARMACEUTICALS LP AND ASTRAZENECA LP**

Defendants AstraZeneca Pharmaceuticals LP and AstraZeneca LP (collectively, "AstraZeneca"), by their undersigned counsel, respond as follows to the State of Wisconsin's (the "State") Notice of Deposition of Defendants AstraZeneca Pharmaceuticals LP and AstraZeneca LP, served on January 24, 2008 (the "Deposition Notice").

**RESERVATION OF RIGHTS AND OBJECTIONS**

1. These responses and objections are made without in any way waiving or intending 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 Deposition Notice; (b) the right to object on any ground to the use of the information provided in response to the Deposition Notice at any hearing, trial, or other point during this action; (c) the right to object on any ground at any time to a demand for further responses to the Deposition Notice; or (d) the right at any time to revise, correct, add to, supplement, or clarify any of the responses or objections contained herein.

2. AstraZeneca objects to the Deposition Notice as overly broad and unduly burdensome to the extent that it purports to require AstraZeneca to provide a corporate

representative to testify as to “[AstraZeneca’s] prescription drugs,” “covered prescription drugs,” “[AstraZeneca’s] prescription drugs covered by the Together RX programs,” or “[AstraZeneca’s] prescription drugs covered by the program” without regard to whether such drugs are at issue in this action.

3. AstraZeneca objects to the First Subject Matter contained in the Deposition Notice because it purports to require AstraZeneca to provide a corporate representative to testify regarding a topic that is not relevant to the claims or defenses of any party in this action, is immaterial or is otherwise not reasonably calculated to lead to the discovery of admissible evidence. The complaint in the above-referenced action includes no references to the Together Rx program. The State’s Motion for Partial Summary Judgment On Liability Against AstraZeneca LP and AstraZeneca Pharmaceuticals LP With Respect to Counts I and II of Wisconsin’s Second Amended Complaint, filed August 30, 2007, similarly does not relate in any way to the Together Rx program. Further, the Deposition Notice itself references the website for the Together Rx program, which specifically notes that savings under the program do not apply to prescription drugs reimbursed under any federal or state prescription drug assistance program. See <http://www.togetherrxaccess.com/Tx/jsp/legal.jsp>.

4. AstraZeneca objects to the Second Subject Matter contained in the Deposition Notice on the grounds that it purports to require AstraZeneca to provide a corporate representative to testify regarding AstraZeneca pharmacy assistance programs, the specific operation of which are not the subject of any allegations in the complaint. In light of the vagueness and over-breadth of this Subject Matter, and absent an explanation from the State as to the relevance of this Subject Matter to its claims, AstraZeneca objects to producing a corporate representative regarding this Subject Matter as unduly burdensome. Further, AstraZeneca

reserves all of its rights to respond to and or rebut any claim, assertion or allegation made by the State as this litigation proceeds.

5. AstraZeneca objects to the time period covered by the Deposition Notice (January 1, 1993 to the present) on the grounds that it is in contravention of both the governing statute of limitations and Judge Krueger's April 3, 2006 Order which notes that the relevant time period is either three or six years. See April 3, 2006 Order at 9-10. Further, AstraZeneca objects to providing any testimony relating to events or transactions that occurred after the State filed its original complaint on June 3, 2004.

6. AstraZeneca objects to the Deposition Notice as overly broad and unduly burdensome to the extent that it purports to require AstraZeneca to provide a corporate representative to testify as to events that took place, or information that was compiled, over a fifteen (15) year period (i.e., from January 1, 1993 through the present), and spanning three different corporate entities. AstraZeneca further objects to the Deposition Notice as unduly burdensome to the extent that it requires AstraZeneca to present a deponent to testify about corporate entities or documents that are no longer in existence, or to ascertain the knowledge of employees no longer employed by the company.

7. AstraZeneca objects to the Deposition Notice to the extent that it purports to require AstraZeneca to provide a corporate representative to testify in Madison, Wisconsin. AstraZeneca is headquartered in Wilmington, Delaware, and it is more likely than not that any AstraZeneca representative capable of testifying with respect to any unobjectionable matters set forth in the Deposition Notice will be located in or near Wilmington, Delaware. Therefore, to the extent that AstraZeneca agrees to produce a representative to testify as to any topic,

AstraZeneca will produce such representative, or representatives, for deposition in Wilmington, Delaware, or at some other mutually agreeable location.

8. AstraZeneca objects to the Deposition Notice to the extent it seeks information or documents protected from disclosure by the attorney-client privilege, the work-product doctrine, or any other applicable privilege, immunity, or protection against disclosure. In particular, AstraZeneca objects to the Deposition Notice to the extent it seeks discovery of the mental impressions of AstraZeneca's counsel and/or confidential communications subject to the work product and attorney client privileges, or to the extent it calls for a legal conclusion.

9. AstraZeneca objects to the Deposition Notice to the extent that it demands information containing proprietary or commercially-sensitive or other confidential information, including, but not limited to, confidential and/or proprietary research, procedures and processes relating to the pricing of pharmaceuticals, current and past marketing plans and methods, and current and past business planning and financial information. AstraZeneca's production of any document, testimony, or information pursuant to this Deposition Notice shall not be construed as a waiver of the confidentiality of any such document or information and shall be subject to the terms of the Qualified Protective Order entered in this litigation.

10. AstraZeneca objects to the Deposition Notice to the extent it seeks information or documents that are outside AstraZeneca's possession, custody, or control.

11. AstraZeneca objects to the Deposition Notice to the extent it seeks information or documents already in the State's possession, custody, or control or in the possession, custody, control of any of the State's officers, employees, agents, agencies, or departments. AstraZeneca further objects to each topic to the extent it requires AstraZeneca to search for information that is publicly available or available from a third party, or to search for information or documents for

which the burden of deriving or ascertaining the information or documents is substantially the same or less for the State or any of its officers, employees, agents, agencies, or departments as it is for AstraZeneca.

12. AstraZeneca objects to the Deposition Notice to the extent that it is: (i) overly broad; (ii) unduly burdensome or oppressive; or (iii) improper.

13. AstraZeneca objects to the Deposition Notice to the extent that it calls for opinions instead of factual information.

14. AstraZeneca objects to the Deposition Notice to the extent that it imposes or purports to impose discovery obligations greater than, or inconsistent with, AstraZeneca's obligations under Wisconsin law.

15. AstraZeneca objects to the Deposition Notice to the extent it is vague, ambiguous, or does not identify with sufficient particularity the information sought.

16. AstraZeneca objects to any implications and to any explicit or implicit characterization of the facts, events, circumstances, or issues in the Deposition Notice. Any response by AstraZeneca is not intended to indicate that AstraZeneca accepts or agrees with any implication or explicit or implicit characterization of the facts, events, circumstances, or issues in the Deposition Notice, or that such implication or characterization is relevant to this action.

17. AstraZeneca hereby incorporates 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 such objection or reservation of rights is not inconsistent with AstraZeneca's position in this litigation.

Dated: February 18, 2008.

STAFFORD ROSENBAUM LLP

By Barbara A. Neider

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Attorneys for Defendants AstraZeneca  
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CERTIFICATE OF SERVICE

I, BARBARA A. NEIDER, hereby certify that on February 18, 2008, a true and correct copy of the foregoing Responses and Objections to Plaintiff State of Wisconsin's Notice of Deposition of Defendants AstraZeneca Pharmaceuticals LP and AstraZeneca LP was served upon all counsel of record via electronic service pursuant to Case Management Order No. 1 by causing a copy to be sent to Lexis/Nexis File & Serve for posting and notification.

s/s Barbara A. Neider

Barbara A. Neider