

STATE OF WISCONSIN  
CIRCUIT COURT Branch 7  
DANE COUNTY

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STATE OF WISCONSIN, :  
 :  
Plaintiff, :  
v. :  
 :  
AMGEN INC., et al., :  
 :  
Defendants. :  
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Case No.: 04 CV 1709  
Unclassified Civil: 30703

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**AFFIDAVIT OF FRANK S. PRYBECK**

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STATE OF NEW JERSEY )  
 ) ss.:  
COUNTY OF MERCER )

FRANK S. PRYBECK, being duly sworn, says:

1. I am an adult resident of the state of New Jersey. My business address is 506 Carnegie Center, Princeton, New Jersey 08540.

2. I make this affidavit in support of Defendant Sandoz Inc.'s Motion for a Protective Order and in opposition to Plaintiff State of Wisconsin's Cross Motion to Compel Discovery. The statements set forth below are based on my personal knowledge as informed by my review of Sandoz' files and records.

3. I am employed by Sandoz as Director of Contract Administration. In this position, my duties and responsibilities include negotiating sales agreements with customers and potential customers; the management of existing contractual relationships, including monitoring of payments, accounts receivable, account credit, and collections; supervising customer

chargeback and rebate processing; and supervising Medicaid rebate processing. I have held this position and had these responsibilities since joining the Company in January 2002.

4. At the request of Sandoz' counsel, I directed certain Sandoz employees under my supervision to conduct a search of the Company's shipment records to determine how much product, if any, Sandoz has shipped into Wisconsin in recent years.

5. Pursuant to these instructions, a search of shipment records was conducted for the period January 1, 2004 through and including March 31, 2006. During this time, Sandoz has shipped products from one of four facilities located in Broomfield, Colorado; Middleton, Pennsylvania; Wilson, North Carolina; and Laurelton, New York.

6. The results of the inquiry indicated that Sandoz shipped a total of approximately 3.10 million product "units" from these four locations to Wisconsin addresses during this period. (Each such unit represents a single, priced item of sale, which could consist of a bottle, vial, pouch, ampule, blister pack, etc.)

7. I also directed Sandoz personnel to conduct a similar search to determine the total units Sandoz shipped to all addresses during this same period. A comparison of the two figures reveals that the 3.10 million units Sandoz shipped to Wisconsin amounted to only about 1.7% of total Sandoz shipments which equaled approximately 184.3 million units.

8. In connection with my responsibilities, I have traveled outside of New Jersey to meet with existing or potential Sandoz customers. However, I have not traveled to Wisconsin in connection with my responsibilities at Sandoz, nor have I directed anyone under my supervision to travel to Wisconsin.

9. Based on information and belief, as accumulated from my experience with the Company, my review of its records, and my discussions with other supervisory personnel,

Sandoz has no sales representatives or other employees located in Wisconsin. Moreover, on information and belief, since January 1, 2004, its sales representatives have traveled to Wisconsin on no more than three occasions to meet with customers.

10. My review of Company records also shows that Sandoz does not currently have a registered agent for service of process in Wisconsin. In addition, this review shows that Sandoz is not registered to do business in Wisconsin.

  
Frank S. Prybeck

Subscribed and sworn to before me  
this 1 day of June, 2006

  
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Notary Public

