

MINER, BARNHILL & GALLAND, P.C.

ATTORNEYS AND COUNSELORS

COPY

LISA T. ALEXANDER
CHARLES BARNHILL, JR. *
JEFFREY I. CUMMINGS
WILLIAM P. DIXON**
ELIZABETH EBERLE***
GEORGE F. GALLAND, JR.
ROBERT S. LIBMAN†††
NANCY L. MALDONADO
WILLIAM A. MICELI
JUDSON H. MINER
REBECCA D. ONIE
SARAH E. SISKIND††
PAUL STRAUSS†††
LAURA E. TILLY

SUITE 803
44 EAST MIFFLIN STREET
MADISON, WISCONSIN 53703
(608) 255-5200
TELECOPIER (608) 255-5380
www.lawmbg.com

WRITER'S EMAIL:
cbarnhill@lawmbg.com

CHICAGO OFFICE
14 WEST ERIE STREET
CHICAGO, ILLINOIS 60610
(312) 751-1170
TELECOPIER (312) 751-0438

*ADMITTED IN WISCONSIN AND ILLINOIS
**ADMITTED IN WISCONSIN AND
DISTRICT OF COLUMBIA
***ADMITTED IN WISCONSIN AND CALIFORNIA
†ADMITTED IN ILLINOIS AND NEW YORK
††ADMITTED IN WISCONSIN AND NEW YORK
†††ADMITTED IN ILLINOIS AND CALIFORNIA
††††ADMITTED IN CALIFORNIA,
DISTRICT OF COLUMBIA and ILLINOIS
ALL OTHERS ADMITTED IN ILLINOIS ONLY

OF COUNSEL:

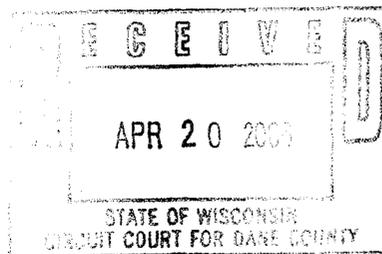
THOMAS F. ASCH
SHARON K. LEGENZA
BRADLEY SCOTT WEISS

April 20, 2006

Judith A. Coleman
Clerk of Circuit Court
City County Building, Room GR10
210 Martin Luther King Jr. Blvd.
Madison WI 53703

Via Hand Delivery

Re: *State of Wisconsin v. Amgen Inc., et al.*
Case Number 04-CV-1709



Dear Ms. Coleman:

Enclosed please find Wisconsin's Reply To Defendant Mylan's Motion For A Protective Order, an Affidavit of Charles Barnhill and a Certificate of Service.

Exhibit F to Wisconsin's Reply is filed under seal.

By copy of this letter these documents are being served on counsel of record by transmission to LNFS, and on the Honorable William F. Eich via e-mail and U.S. Mail..

Thank you in advance for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles Barnhill".

Charles Barnhill

CB:jlz

Cc: Hon. William F. Eich
Counsel of Record

January 31, the Special Master issued a ruling finding that the Pfizer deposition notice sought relevant materials and permitting it to go forward, but limiting plaintiff's inquiry to 15 drugs while defendants' motion to dismiss was pending.

On February 7, plaintiff again sent a notice of deposition asking to depose a corporate designee 30 days later, to explain the contracts Mylan had with wholesalers (for the purpose, *inter alia*, of securing the prices at which Mylan was selling its drugs to wholesalers and they to retailers) and the basis for Mylan's published wholesale prices—the very things that Judge Krueger has asked the plaintiffs to amplify in an amended complaint. (Exhibit B) Defendant's counsel replied by letter of February 14, saying that a witness would be produced but asking plaintiff to limit the deposition to 15 drugs per the order of the Special Master. (Exhibit C) Defendant also asked for more time to identify the appropriate witness. Plaintiff again agreed, and responded a week later completing the listing of 15 drugs with which the deposition would be concerned. In the meantime, on February 17, Judge Krueger issued a certification stating that she would need until April 19 to decide defendants' motion to dismiss. A week or so later plaintiff's attorney called Mr. Merkle, Mylan's attorney, and told him he would like to schedule the deposition as soon as practicable but no later than 30 days in the future. Mr. Merkle said he would look into it.

On March 7, defendant filed a formal response to plaintiff's notice of deposition making a number of boilerplate objections but also once again committing to produce a deponent to testify about the listed drugs. (Exhibit D)

Thereafter plaintiff's counsel was told by Mr. Merkle that an early April deposition date was impracticable and that the deposition could not take place until April 21 or 22. When plaintiff's counsel politely suggested that it appeared that the defendant was simply delaying the

deposition date in the hope that Judge Krueger would issue an order that would excuse the deposition, Mr. Merkle said the thought had never occurred to him. Not wishing to appear cynical, plaintiff agreed to the late April date. Defendant's counsel promised that any documents responsive to the deposition notice would be produced well in advance of the deposition.

Judge Krueger then issued her April 3 Partial Decision and Order and shortly thereafter Mylan refused to proceed with the deposition and failed to produce the documents it promised.

B. Wisconsin's Discovery Is Consistent With the Orders Entered In This Case.

Wisconsin's continuing discovery efforts are consistent, not inconsistent, with Judge Krueger's Order. Indeed, based on Judge Krueger's decision on defendants' motion to dismiss Wisconsin should be permitted to discover pricing information possessed by defendants with respect to all of defendants' targeted drugs.

In her Order relating to defendants' motion to dismiss Judge Krueger found that the basic allegations of the complaint "are adequate to put Defendants on notice of the claims against them." Order at 10. Thus, Judge Krueger declined to dismiss the complaint and instead directed plaintiff to replead to identify defendants' drugs for which Wisconsin was seeking relief, and as "many specifics as it can" about the pricing of them including the price they actually sold for and the inflated price published in the medical compendiums. She referred to ongoing discovery as a base from which plaintiff could secure this information. Order at 13¹.

As the Special Master knows, plaintiff is already well on its way to satisfying Judge Krueger's order by serving on the defendants a targeted drug list. (Exhibit E) As a follow-up to this list plaintiff has served on a number of defendants corporate deposition notices designed to secure more information of the kind that Judge Krueger has asked plaintiff to provide. The

¹ The Court also refers to the national litigation as one source of information in this regard. But information in that case is limited to drugs relating to Medicare Part B participants and is sealed. Plaintiff, therefore, has no access to this material.

Mylan deposition is one such notice. Through the deposition of Mylan, Wisconsin seeks evidence of the wholesale prices of the targeted drugs and Mylan's basis for causing to be published inflated wholesale prices in the reporting services.

Although plaintiff has significant evidence that all of defendants' drugs are inflated, the most specific evidence of defendant's fraudulent pricing is obviously in the hands of the defendant. And this is the very kind of evidence that Judge Krueger requests plaintiff to assemble and plead. The swiftest and most efficient way to gather this evidence is to depose knowledgeable corporate personnel, and such depositions are the only way in which this material can be concisely presented to a jury.

Additionally, because of Judge Krueger's requirement that Wisconsin list all drugs for which it is seeking relief, Wisconsin should no longer be limited to discovery concerning 15 drugs, the limitation imposed by the Special Master while the parties awaited Judge Krueger's order. All the targeted drugs should now be fair game so plaintiff can satisfy Judge Krueger's Order.

C. Defendant Mylan Promised That It Would Make its Corporate Designee Available In Wisconsin. It Should Not Be Allowed To Renege On That Promise.

As explained above, Mylan agreed by letter of February 14 to produce a deponent in response to plaintiff's February 7, deposition notice; agreed again to do so in a February phone call with plaintiff's counsel; agreed to do so in its formal pleading in early March; and agreed to do so at least one more time when it promised the date of April 21 to plaintiff's counsel. Defendant should be required to make good on its promises. There is nothing in Judge Krueger's Order that would abrogate agreements between counsel on discovery. Indeed, Judge

Krueger has made it clear she wants these cases advanced and stalling discovery will do precisely the opposite.

D. Defendant Is Unable To Establish Good Cause For Its Requested Protective Order.

Defendant has the burden of proving “good cause” in support of its proposed protective order. *Earl v. Gulf & Western Mfg., Co.*, 123 Wis.2d 200, 208, 366 N.W.2d 160, 164 (Wis. App. 1985). It cannot come close to making this showing.

Mylan claims that it would be prejudiced if it had to produce a witness to testify about its pricing because the complaint is not sufficient to inform it of the drugs at issue. This argument, giving it all the respect it deserves, is nonsense. Plaintiff has alleged, and it is a fact, that defendant falsely inflates all of its drug prices. Defendant will not be able to produce evidence of a single drug which retailers purchase at the published wholesale price. Indeed, Mylan is one of the great abusers of the Medicaid reimbursement system as the attached documents show. (Exhibit F) These exhibits make it clear that Mylan is causing to be published, and utilizing in their sales presentations, wholesale prices many times greater than the actual prices wholesalers and retailers are paying for their drugs.

Furthermore, Mylan cannot complain that it does not know the drugs plaintiff will focus on at the deposition since plaintiff has given Mylan a list of its targeted drugs, as well as the 15 it listed in connection with its deposition notice. Wisconsin will confine its pricing questions to the targeted drugs. And it is these drugs which will be included in the repleaded complaint. Thus, defendant cannot argue that at the time of the deposition it will not know which drugs will form the subject of the deposition.

Defendant seems to suggest that because the notice of deposition only lists 15 drugs it may be called upon to attend another corporate designee deposition on the remainder of the

drugs causing unnecessary duplication. Of course, the 15 drug limit is defendants' doing, not plaintiff's. Moreover this problem is easily cured. Plaintiff has provided defendant with a full listing of targeted drugs about which it is now aware. As discussed above, plaintiff believes that it should be allowed to explore the pricing on all these drugs, not just 15 of them. Allowing plaintiff to do so will resolve the duplication issue.

Finally, defendant argues that compelling its deposition will be unfair because defendant cannot proceed with discovery against Wisconsin. The basis for this argument is a complete mystery. Wisconsin is continuing to fulfill its discovery obligations. No one has suggested it should not or is not. Indeed, Wisconsin has been substantially more forthcoming than the defendants by, among other means, providing the defendants with pricing information secured by Wisconsin from third parties on all of defendants' drugs, not just 15 drugs and not just the targeted drugs. Currently Wisconsin is assembling vast quantities of documents asked for by the defendants and trying to identify those persons sufficiently knowledgeable to be deposed.

In sum, there is no rational basis for precluding plaintiff from deposing Mylan and other defendants.

CONCLUSION

For all the foregoing reasons plaintiff requests that defendants' Motion For A Protective Order be denied, that the deposition be ordered to proceed forthwith, and that plaintiff be awarded its fees and costs, including those of the Special Master, as provided by the Court in its appointment of the Special Master.

Dated this 20th day of April, 2006.



One of Plaintiff's Attorneys

PEGGY A. LAUTENSCHLAGER
Attorney General, State Bar #1002188

MICHAEL R. BAUER
Assistant Attorney General, State Bar #1003627

CYNTHIA R. HIRSCH
Assistant Attorney General, State Bar #1012870

FRANK D. REMINGTON
Assistant Attorney General, State Bar #1001131

Wisconsin Department of Justice
Post Office Box 7857
Madison, Wisconsin 53707-7857
(608) 266-0332 (MRB)
(608) 266-3861 (CRH)
(608) 266-3542 (FDR)

CHARLES BARNHILL
State Bar #1015932

WILLIAM P. DIXON
State Bar #1012532

ELIZABETH J. EBERLE
State Bar #1037016

ROBERT S. LIBMAN
Admitted Pro Hac Vice

Miner, Barnhill & Galland, P.C.
44 East Mifflin Street, Suite 803
Madison, WI 53703
(608) 255-5200

Attorneys for Plaintiff,
State of Wisconsin

EXHIBIT A

STATE OF WISCONSIN

CIRCUIT COURT
Branch 7

DANE COUNTY

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

**NOTICE OF DEPOSITION OF DEFENDANT MYLAN LABORATORIES, INC.
AND MYLAN PHARMACEUTICALS, INC.**

To: Louis J. Scerra	David J. Harth
Greenburg Traurig, LLP	Heller, Ehrman, White & McAuliffe, LLP
One International Place, 20 th Floor	One East Main Street, Suite 201
Boston MA 02110	Madison WI 53703
(617) 310-6001 fax	(608) 663-7499 fax

Pursuant to Wis. Stats. §§ 804.05(2)(e), 885.44 and 885.46 plaintiff will take the videotaped deposition of defendant Mylan Laboratories, Inc. and Mylan Pharmaceuticals, Inc. on Tuesday, January 17, 2006 at 10:00 a.m. at the offices of the Attorney General of the State of Wisconsin located at 17 West Main Street, Madison WI 53703. The deposition is to be visually recorded and preserved pursuant to the provisions of Wis. Stats. §§ 885.44 and 885.46. Mylan Laboratories, Inc. and Mylan Pharmaceuticals, Inc. shall designate a person or persons to testify under oath about the following topics:

1. The evidence or information, if any, about which it is aware, which shows that any of the drugs listed on the attached sheet (“targeted drugs”) were purchased by retail pharmacies at a price equal to or greater than the then current Average Wholesale Price (AWP) published by First Data Bank or the Red Book in any year from 1993 to the present.
2. The evidence or information about which it is aware which shows, or which defendant believes may tend to show, that the published AWP was higher than the

price pharmacies were actually paying for any of the targeted drugs in each year from 1993 to the present.

3. What contacts Mylan Laboratories, Inc. and Mylan Pharmaceuticals, Inc., or its subsidiaries, have had with First Data Bank or the Red Book about any of the targeted drugs.
4. Whether Mylan Laboratories, Inc. and Mylan Pharmaceuticals, Inc., or any of its subsidiaries, ever communicated to either First Data Bank or the Red Book that the published Average Wholesale Prices of their drugs were neither a price that was actually an average of wholesale prices, nor a price that was actually paid by the retail classes of trade and, if so, when such communications took place and of what they consisted.
5. The Average Manufacturer's Price (AMP) reported to the federal government of each of the targeted drugs in each year since 1993.
6. Any evidence which shows that the actual average wholesale price at which any of the targeted drugs sold in any given year was greater than the AMP.

The designated deponents shall bring with them 1) all evidence or information showing that any of the targeted drugs was sold at a price equal to or greater than the published AWP from 1993 to the present, 2) for the same period all evidence or information showing that actual average wholesale prices of its targeted drugs were less than the published AWP, 3) for the same time period any evidence of communications between Mylan Laboratories, Inc. and Mylan Pharmaceuticals, Inc. and the Red Book about or concerning any of the targeted drugs, 4) for the same time period the reported AMPs of each targeted drug, and, 5) for the same time period any evidence defendant has showing that the actual average wholesale price of any of the targeted drugs was greater than the reported AMP.

Dated this 22 day of November, 2005.



One of Plaintiff's Attorneys

PEGGY A. LAUTENSCHLAGER
Attorney General, State Bar #1002188

MICHAEL R. BAUER
Assistant Attorney General, State Bar #1003627

CYNTHIA R. HIRSCH
Assistant Attorney General, State Bar #1012870

FRANK D. REMINGTON
Assistant Attorney General, State Bar #1001131

Wisconsin Department of Justice
Post Office Box 7857
Madison, Wisconsin 53707-7857
(608) 266-0332 (MRB)
(608) 266-3861 (CRH)
(608) 266-3542 (FDR)

CHARLES BARNHILL
State Bar #1015932

WILLIAM P. DIXON
State Bar #1012532

ELIZABETH J. EBERLE
State Bar #1037016

Miner, Barnhill & Galland, P.C.
44 East Mifflin Street, Suite 803
Madison, WI 53703
(608) 255-5200

Attorneys for Plaintiff,
State of Wisconsin

MYLAN PHARMACEUTICALS, INC.

Drug

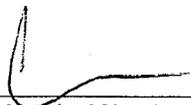
ACEBUTOLOL
ALLOPURINO
ALPRAZOLAM
AMITRIPTYL
ATENOLOL
BUMETANIDE
BUSPIRONE
BUTORPHANOL
CAPTOPRIL
CARBIDOPA/
CEFACLOR
CIMETIDINE
CLONAZEPAM
CLONIDINE
CLORAZEPAT
CLOZAPINE
CYCLOBENZA
DIAZEPAM
DILTIAZEM
DIPHENOXYL
DOXEPIN
ENALAPRIL
ETODOLAC
EX PHENYTOIN
FLUPHENAZI
FLURBIPROF
FLUVOXAMIN
FUROSEMIDE
GLIPIZIDE
GUANFACINE
HALOPERIDO
HYDROCHLOR
LEVOETHYROX
LISINOPRIL
LOPERAMIDE
LORAZEPAM
LOVASTATIN
METHOTREXA
METOPROLOL
NADOLOL
NAPROXEN
NIFEDIPINE
NITROFURAN
NITROGLYCE
OMEPRAZOLE
ORPHENADRI
PENTOXIFYL
PIROXICAM
PRAZOSIN
PROCHLORPE
PROPOXYPHE
RANITIDINE
SPIRONOLAC

TEMAZEPAM
THIORIDAZI
THIOTHIXEN
TRIAMTEREN
VERAPAMIL

EXHIBIT B

The deponent or deponents shall bring with him/her or them all documents showing, explaining or supporting the basis for the AWP's and WAC's Mylan reported to First Data Bank or the Red Book from 1993 to the present.

Dated this 7th day of February, 2006.



One of Plaintiff's Attorneys

PEGGY A. LAUTENSCHLAGER
Attorney General, State Bar #1002188

MICHAEL R. BAUER
Assistant Attorney General, State Bar #1003627

CYNTHIA R. HIRSCH
Assistant Attorney General, State Bar #1012870

FRANK D. REMINGTON
Assistant Attorney General, State Bar #1001131

Wisconsin Department of Justice
Post Office Box 7857
Madison, Wisconsin 53707-7857
(608) 266-0332 (MRB)
(608) 266-3861 (CRH)
(608) 266-3542 (FDR)

CHARLES BARNHILL
State Bar #1015932

WILLIAM P. DIXON
State Bar #1012532

ELIZABETH J. EBERLE
State Bar #1037016

Miner, Barnhill & Galland, P.C.
44 East Mifflin Street, Suite 803
Madison, WI 53703
(608) 255-5200

Attorneys for Plaintiff,
State of Wisconsin

EXHIBIT C

KELLEY DRYE & WARREN LLP

A LIMITED LIABILITY PARTNERSHIP

101 PARK AVENUE

NEW YORK, NEW YORK 10178

(212) 808-7800

FACSIMILE

(212) 808-7897

www.kelleydrye.com

WASHINGTON, DC
TYSONS CORNER, VA
CHICAGO, IL
STAMFORD, CT
PARSIPPANY, NJ
BRUSSELS, BELGIUM

AFFILIATE OFFICES
JAKARTA, INDONESIA
MUMBAI, INDIA

February 14, 2006

VIA FACSIMILE

Charles Barnhill, Jr., Esq.
William P. Dixon, Esq.
Elizabeth J. Eberle, Esq.
Miner, Barnhill & Galland, P.C.
44 East Mifflin Street
Suite 803
Madison, Wisconsin 53703

Re: State of Wisconsin v. Abbott Laboratories, Inc., et al., 04-1709

Dear Mr. Barnhill:

We have been retained by defendants Mylan Laboratories Inc. and Mylan Pharmaceuticals Inc. (collectively "Mylan") as national counsel in connection with the drug pricing litigation pending throughout the country. In particular, we will be working with David Harth in connection with the above-referenced litigation commenced against Mylan by Wisconsin. We write to invite the State to meet and confer on the various outstanding discovery requests propounded by the State of Wisconsin in light of the recent rulings from Special Master Eich. We are available for a conference at your convenience.

In its discovery requests, the State has requested documents and information for 58 Mylan products. Mylan has provided documents and information responsive to the State's request located to date. In addition, as part of its initial document production, Mylan produced a spreadsheet (WiMylan000193 to WiMylan00799) detailing credit information for 9 drugs as well as a large number of documents from which other sales information can be determined for those 9 drugs. The 9 drugs are: propoxyphene, furosemide, pentoxifylline, ranitidine, alprazolam, clorazepate, lorazepam, clozapine, and nifedipine.

KELLEY DRYE & WARREN LLP

Peggy A. Lautenschlager, Esq.
February 14, 2006
Page Two

By way of compromise, we propose that the State select 6 additional drugs for future productions by Mylan of documents and information responsive to the State's requests. We will produce material in electronic format to the extent it exists on Mylan's system and is accessed by Mylan in that format in the ordinary course of its business. With respect to reported and calculated AMPs, however, Mylan will provide such information for the selected 15 drugs for the period of 2001 to 2004 in a spreadsheet or electronic format. For the time period of 1993 to 2000, stored hard copy files will have to be searched for that information.

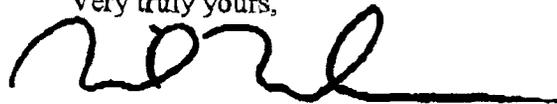
With respect to the State's February 7, 2006 30(b)(6) deposition notice, Mylan will be prepared to produce a witness knowledgeable about both topics described in the notice. We would like to reschedule the deposition because of the need to identify the pertinent documents for the 15 drugs after such are selected. With respect to the duces tecum demand, we object to the extent it goes beyond the 15 drugs that are selected. We will be prepared to produce any non-privileged documents used to prepare the witness that were not already produced in response to the State's prior requests. We otherwise object to the scope of the notice, and will send a formal objection in due course.

As you may recall, the November 22, 2005 30(b)(6) deposition notice was previously adjourned sine die. We believe most of the issues will be resolved or, at least, limited by the production and deposition discussed above. We propose reserving these issues until the production discussed above is completed.

Finally, we also are prepared to discuss e-mail search issues with you and request that you be prepared to do the same.

The foregoing is offered in the spirit of cooperation in a good faith effort to resolve our differences. Nothing in this letter is intended to waive any previously asserted objection. We look forward to hearing from you to schedule a conference.

Very truly yours,



Neil Merkl

KELLEY DRYE & WARREN LLP

Peggy A. Lautenschlager, Esq.
February 14, 2006
Page Three

cc: Peggy A. Lautenschlager, Esq. (by fax)
Michael R. Bauer, Esq.
Cynthia R. Hirsch, Esq.
Frank D. Remington, Esq.
Wisconsin Department of Justice
114 East State Capital
Madison, Wisconsin 53707

David Harth, Esq. (by fax)
Heller Ehrman LLP
One East Main Street
Suite 201
Madison, Wisconsin 53703

EXHIBIT D

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH 7

DANE COUNTY

STATE OF WISCONSIN,

Plaintiff,

Case No. 04-CV-1709
Unclassified Civil: 30703

v.

ABBOTT LABORATORIES, et al.,

Defendants.

**DEFENDANTS MYLAN LABORATORIES INC.'S AND
MYLAN PHARMACEUTICALS INC.'S RESPONSES AND OBJECTIONS TO
PLAINTIFF'S NOTICE OF DEPOSITION**

TO: The State of Wisconsin

Peggy A. Lautenschlager, Esq.
Michael R. Bauer, Esq.
Frank D. Remington, Esq.
Cynthia R. Hirsch, Esq.
Wisconsin Department of Justice
114 East State Capital
Madison, Wisconsin 53707
Tel: (608) 266-3861

Charles J. Barnhill, Jr., Esq.
William P. Dixon, Esq.
Elizabeth J. Eberle, Esq.
Miner, Barnhill & Galland, P.C.
44 East Mifflin Street
Suite 803
Madison, Wisconsin 53703
Tel: (608) 255-5200

Pursuant to Wisconsin Statute § 804.05(2)(e), the Wisconsin Supreme Court Rules, and the Dane County Circuit Court Rules (the "Wisconsin Rules"), defendants Mylan Laboratories Inc. and Mylan Pharmaceuticals Inc. (collectively, the "Mylan Defendants"), by their undersigned counsel, hereby assert the following responses and objections to Plaintiff's Notice of Deposition (the "Deposition Notice"), dated February 7, 2006 and propounded by plaintiff the State of Wisconsin (the "State"), as follows:

RESERVATION OF RIGHTS AND GENERAL OBJECTIONS

The Mylan Defendants expressly incorporate all of the Reserved Rights and General Objections set forth below the specific responses and objections to the Deposition

Notice. Any specific objections provided below are made in addition to these Reserved Rights and a failure to reiterate a Reserved Right below shall not constitute a waiver of that or any other objection.

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 any documents or information produced in response to the Deposition Notice; (b) the right to object on any ground to the use of the documents or information produced 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. The documents or information supplied pursuant to the Deposition Notice are for use in this action and for no other purpose.

3. The production of documents or information pursuant to the Deposition Notice shall not be construed as a waiver of the confidentiality of any such documents or information.

4. The Mylan Defendants object to the Deposition Notice to the extent that it demands the production of documents or information that are privileged or otherwise protected against discovery pursuant to the attorney-client privilege, the work product doctrine, the joint defense/prosecution privilege, the consulting expert rule, the common interest doctrine, or any other legally recognized privilege, immunity, or exemption from discovery. To the extent that any such protected documents or information are inadvertently produced in response to the Deposition Notice, the production of such documents or information shall not constitute a waiver of the Mylan Defendants' right to assert the applicability of any privilege or immunity to the

documents or information, and any such documents or information shall be returned to the Mylan Defendants' counsel immediately upon discovery thereof.

5. The Mylan Defendants object to the Deposition Notice to the extent that it demands production of documents or information from outside of the statute of limitations applicable to the State's claims in this action, or beyond the time period relevant to this action.

6. The Mylan Defendants object to the Deposition Notice to the extent that it demands production of documents or information containing trade secrets, proprietary or commercially sensitive or other confidential information, and shall not produce documents or information containing any such information unless and until an appropriate protective order or confidentiality agreement is entered in this action.

7. The Mylan Defendants object to the Deposition Notice to the extent that it demands the production of proprietary documents and information of third parties.

8. The Mylan Defendants reserve the right to withhold the production of any responsive documents or information until the Court has ruled on Defendants' Motion to Dismiss in this action. Although the State has argued that discovery should proceed while the Defendants' Motion to Dismiss is pending because, in part, some Defendants in this action have produced documents and answered discovery requests in other Average Wholesale Price ("AWP") litigation, the Mylan Defendants have not been called upon to provide any of the documents or information requested in the State's Deposition Notice to plaintiffs in similar AWP litigation brought against them.

SPECIFIC RESPONSES AND OBJECTIONS

Subject to the Reserved Rights and General Objections, and without waiving and expressly preserving all such rights and objections, which are hereby incorporated into the

response and objection to each request, the Mylan Defendants respond and object to the State's Deposition Notice as follows:

REQUEST NO. 1:

Mylan's contracts for the sale of its generic pharmaceuticals with the following customers: Amerisource Bergen, McKesson, Albertsons, Eckard, Cardinal, Walgreens or entities affiliated with, or creations of, these companies e.g., Cardinal Generic Alliance, during the period 1999 to the present, and the manner in which they were secured.

RESPONSE:

The Mylan Defendants object to this request on the grounds that it is overly broad and unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. The Mylan Defendants also object to this request on the grounds that it is vague and ambiguous, particularly with respect to the language "generic pharmaceuticals." Subject to and without waiving such objection, the General Objections, or the Reserved Rights, the Mylan Defendants will produce a witness knowledgeable about the subject matter of this request at a mutually convenient time and place.

REQUEST NO. 2:

The basis for the AWP's and WAC's Mylan reported to First Data Bank and the Red Book from 1993 to the present.

RESPONSE

The Mylan Defendants object to this request on the grounds that it is overly broad and unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. The Mylan Defendants also object to this request on the grounds that it is vague and ambiguous, particularly with respect to the language "the basis for, " "AWP's," "WACs, " and "the Red Book. " The Mylan Defendants also object on the ground and to the extent that the request is not limited to a reasonable number of identified drugs. Subject to and without waiving any of these objections, the General Objections, or the Reserved Rights, the Mylan Defendants

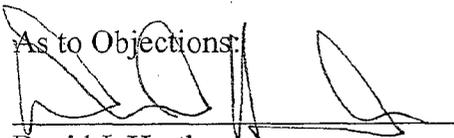
will produce a witness knowledgeable about the subject matter of this request at a mutually agreeable time and place.

DUCES TECUM DEMAND

The Mylan Defendants object to this request on the grounds that it is overly broad and unduly burdensome, and duplicative of prior requests, that it is vague and ambiguous, particularly with respect to the language "the basis for," "AWPs," "WACs," and "the Red Book." The Mylan Defendants also object on the ground and to the extent that the request is not limited to a reasonable number of identified drugs. Subject to and without waiving any of these objections, the General Objections, or the Reserved Rights, the Mylan Defendants will produce responsive documents at a mutually agreed time and place.

Dated this 7th day of March, 2005.

As to Objections:



David J. Harth

David E. Jones

Heller Ehrman White & McAuliffe, LLP

One East Main Street

Madison, WI 53703

(608) 663-7460

Fax: (608) 663-7499

Of Counsel: *(pro hac pending)*

William A. Escobar

Neil Merkl

Christopher C. Palermo

Elizabeth Quinlan

Lorianne K. Trewick

Kelley Drye & Warren LLP

101 Park Avenue

New York, NY 10178

Telephone: (202) 808-7800

Fax: (202) 808-7897

EXHIBIT E

MINER, BARNHILL & GALLAND, P.C.

ATTORNEYS AND COUNSELORS

JSA T. ALEXANDER
CHARLES BARNHILL, JR. *
JEFFREY I. CUMMINGS
WILLIAM P. DIXON**
ELIZABETH EBERLE***
GEORGE F. GALLAND, JR.
ROBERT S. LIBMAN†††
NANCY L. MALDONADO
WILLIAM A. MICELI
JUDSON H. MINER
REBECCA D. ONIE
SARAH E. SISKIND††
PAUL STRAUSS†††
LAURA E. TILLY

SUITE 803
44 EAST MIFFLIN STREET
MADISON, WISCONSIN 53703
(608) 255-5200
TELECOPIER (608) 255-5380
www.lawmbg.com

WRITER'S EMAIL:
cbarnhill@lawmbg.com

CHICAGO OFFICE
14 WEST ERIE STREET
CHICAGO, ILLINOIS 60610
(312) 751-1170
TELECOPIER (312) 751-0438

*ADMITTED IN WISCONSIN AND ILLINOIS
**ADMITTED IN WISCONSIN AND
DISTRICT OF COLUMBIA
***ADMITTED IN WISCONSIN AND CALIFORNIA
†ADMITTED IN ILLINOIS AND NEW YORK
††ADMITTED IN WISCONSIN AND NEW YORK
†††ADMITTED IN ILLINOIS AND CALIFORNIA
††††ADMITTED IN CALIFORNIA,
DISTRICT OF COLUMBIA and ILLINOIS
ALL OTHERS ADMITTED IN ILLINOIS ONLY

OF COUNSEL:

THOMAS F. ASCH
SHARON K. LEGENZA
BRADLEY SCOTT WEISS

February 21, 2006

Neil Merkl
Kelley Drye & Warren LLP
101 Park Avenue
New York NY 10178

Via Facsimile
(212) 808-7897

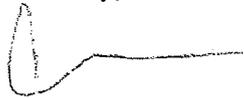
Re: *State of Wisconsin v. Amgen Inc., et al.*
Dane County Case Number: 04-CV-1709

Dear Neil:

Here is our list of the 15 drugs we would like to start with: Furosemide, Lorazepam, Nitroglycerine, Buspirone, Propoxyphen (NDCs 1155-05, 0130-05 and 01) Nifedipine, Ex (NDCs 00378-15601 and 10), Carbidopa, Diltiazem, Spironglac, Triamteren, Glipizide, Clonidine, Ranitidine, Clorazepate. (I have put the NDC numbers by those drugs for which I am sure of their formal name.)

I have adopted seven of the nine drugs you selected, omitting the two that appeared to have been used less by Wisconsin residents. After you and your client have looked these over, give me a call.

Sincerely,



Charles Barnhill

CB:jlz

EXHIBIT F

DOCUMENTS FILED
UNDER SEAL

assumed that plaintiff would obtain any information needed for its amended complaint through such discovery. I also pointed out that the defendant was doing exactly what I predicted earlier when I suggested that its insistence on setting a deposition date after April 19 was simply a device to try to forestall the deposition until Judge Krueger ruled on the motion to dismiss in the hope that her decision would give it grounds not to go forward with the deposition. I refused the requested two week period to brief the matter because such a briefing schedule would make it difficult to obtain a resolution of defendant's motion before plaintiff's amended complaint was due.

5. Finally, I said that I thought defendant's excuse for postponing the deposition was so meritless that sanctions were in order.

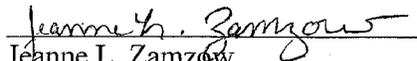
Dated this 20th day of April, 2006.



Charles Barnhill (WI Bar # 1015932)

Miner, Barnhill & Galland, P.C.
44 East Mifflin Street; Suite 803
Madison WI 53703
(608) 255-5200
(608) 255-5380 (fax)

Subscribed and sworn to before me
this 20th day of April, 2006.



Jeanne L. Zamzow
Notary Public, State of Wisconsin
My commission expires 06/14/09.

