

STATE OF WISCONSIN
CIRCUIT COURT Branch 7
DANE COUNTY

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STATE OF WISCONSIN, :
Plaintiff, :
v. :
AMGEN INC., et al., :
Defendants. :
-----X

Case No.: 04 CV 1709
Unclassified Civil: 30703

AFFIDAVIT OF PAUL OLSZOWKA IN FURTHER SUPPORT OF DEFENDANT SANDOZ INC.'S MOTION FOR A PROTECTIVE ORDER AND IN RESPONSE TO PLAINTIFF STATE OF WISCONSIN'S CROSS-MOTION TO COMPEL

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

PAUL OLSZOWKA, being duly sworn, says:

1. I am an associate at the law firm of White & Case LLP, counsel for Defendant Sandoz Inc. ("Sandoz") in this matter. I am a member of the bar of the State of New York and the State Bar of Wisconsin.

2. I submit this affidavit in further support of Sandoz' Motion for a Protective Order and in response to Plaintiff State of Wisconsin's ("Plaintiff" or the "State") Cross-Motion to Compel.

3. As fully set forth in my Affidavit, dated May 4, 2006 ("Olszowka Aff."), before Sandoz filed its motion, I discussed the underlying dispute with counsel for Plaintiff, Attorney Robert Libman of the Miner Barnhill firm.

4. After Sandoz filed its motion, on May 10, 2006, Mr. Libman and I spoke by telephone for approximately thirty minutes in specific regard to Sandoz' various objections to Plaintiff's request for deposition of a Sandoz corporate designee. One purpose of my call was to gather more detail about the proposed subject matter of the deposition. Although Mr. Libman provided some additional detail, at the end of the discussion he reiterated Plaintiff's position, which I understand to be set forth in his letter of April 25, 2006 (Olszowka Aff. Ex. 21), that Plaintiff had provided sufficient information regarding the scope of the proposed subject matter and did not believe that further discussion was necessary.

5. Further, as described below in Paragraphs 6 to 15, I am attaching to this affidavit additional pleadings and other documents that Sandoz relies on in support of its motion and in response to Plaintiff's cross-motion.

6. Attached hereto as Exhibit 23 is a true and correct copy of the Decision & Report of Discovery Master on Defendant Mylan's Motion for a Protective order, dated May 31, 2006.

7. Attached hereto as Exhibit 24 is a true and correct copy of Wisconsin's Unopposed Motion for Extension of Time to File Amended Complaint, dated May 17, 2006.

8. Attached hereto as Exhibit 25 is a true and correct copy of a letter related to this action that I sent to Robert Libman on November 1, 2005.

9. Attached hereto as Exhibits 26 and 27 are true and correct copies of documents obtained from Sandoz' files which were produced to Plaintiff on December 9, 2005, and have been identified as SANDOZWISC0000093 and SANDOZWISC0003324. These documents have been designated CONFIDENTIAL pursuant to the agreed Protective Order in this matter, as modified by the Court's Decision and Order dated November 29, 2005 ("Protective Order") and which Sandoz has requested be placed under seal.

10. Attached hereto as Exhibit 28 is a true and correct copy of Decision & Order, dated November 29, 2005.

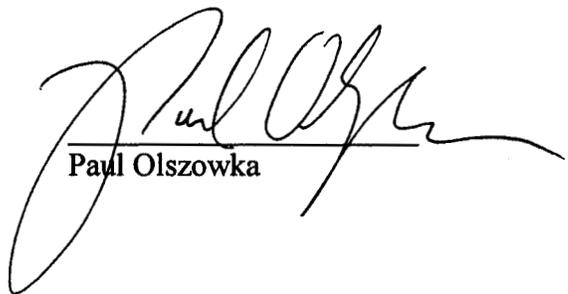
11. Attached hereto as Exhibit 29 is a true and correct copy of Plaintiff's Response to Defendants' First Set of Interrogatories and Document Requests, dated December 19, 2005.

12. Attached hereto as Exhibit 30 is a true and correct copy of Plaintiff's Supplemental Response to Defendants' First Set of Interrogatories and Document Requests, dated April 3, 2006 which has been designated HIGHLY CONFIDENTIAL pursuant to the Protective Order and which Sandoz has requested be placed under seal.

13. Attached hereto as Exhibit 31, is a true and correct copy of the Decision & Report of Discovery Master on Pfizer's Motion for Protective Order, dated January 31, 2006.

14. Attached hereto as Exhibit 32, is a true and correct copy of the Decision & Report of Discovery Master on Merck's Motion for Protective Order, dated April 27, 2006.

15. Attached hereto as Exhibit 33, is a true and correct copy of the State of Wisconsin's Response to Exception of Defendant Merck & Co., Inc. to the April 27, 2006 Decision & Report of Discovery Master, dated May 17, 2006.



Paul Olszowka

Sworn to before me
This 5th day of June 2006



Sandra Broughton
Notary Public

SANDRA BROUGHTON
Notary Public, State of New York
No. 01BR5018163
Qualified in Queens County
Commission Expires Sept. 20, 2009

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