

**STATE OF WISCONSIN  
CIRCUIT COURT, DANE COUNTY  
BRANCH 7**

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STATE OF WISCONSIN,	:	
	:	
Plaintiff,	:	
	:	Case No.: 04 CV 1709
- against -	:	
	:	
AMGEN INC., <u>et al.</u> ,	:	
	:	
Defendants.	:	
	:	
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**ASTRAZENECA PHARMACEUTICALS LP'S AND  
ASTRAZENECA LP'S RESPONSES TO  
PLAINTIFF'S WRITTEN DISCOVERY REQUEST NO. 3**

Pursuant to Wis. Stat. §§ 804.01 and 804.09, Defendants AstraZeneca Pharmaceuticals LP and AstraZeneca LP (“AstraZeneca”), by its attorneys, hereby assert the following responses and objections to the Plaintiff, State of Wisconsin’s (the “State”) Written Discovery Request No. 3 (to All Defendants) (“Requests”), as follows:

**GENERAL OBJECTIONS**

1. AstraZeneca’s general objections to the State’s First Set of Document Requests are incorporated herein by reference and shall be deemed as objections to these Requests.

2. AstraZeneca is awaiting the Court’s ruling on both the Defendants’ jointly-filed motion to dismiss Plaintiff’s First Amended Complaint and on AstraZeneca’s individual motion to dismiss the First Amended Complaint. Until such time as the Court has ruled on these motions, AstraZeneca objects to the Requests as being unduly burdensome and as imposing potentially unnecessary expense on AstraZeneca. Notwithstanding this objection,

and without waiving it, AstraZeneca will provide discovery responsive to these requests despite the pendency of these motions.

3. These responses are made without in any way waiving or intending to waive: (i) any objections as to the competency, relevancy, materiality, privilege, or admissibility as evidence, for any purpose, of any information or documents produced in response to these Requests; (ii) the right to object on any ground to the use of the documents or information produced in response to the Requests at any hearings or at trial; (iii) the right to object on any ground at any time to a demand for further responses to the Requests; or (iv) the right at any time to revise, correct, add to, supplement, or clarify any of the responses contained herein.

4. AstraZeneca has not completed its investigation and discovery relating to this case. The specific responses set forth below and any production made pursuant to these Requests are based upon, and necessarily limited by, information now available to AstraZeneca.

5. The information and documents supplied herein are for use in this litigation and for no other purpose and are supplied subject to that limitation.

6. AstraZeneca objects to these Requests to the extent that they seek documents and information that are neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence, or are overly broad, unduly burdensome, ambiguous, or vague.

7. AstraZeneca objects to these Requests to the extent that they call for the production of documents or information protected from disclosure under the attorney-client privilege, the work product 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 these Requests, the production of such documents or information shall not constitute a waiver of AstraZeneca's right to assert the applicability of any privilege or immunity to the documents or information, and AstraZeneca demands that any such documents or information be returned to AstraZeneca's counsel immediately upon discovery thereof.

8. AstraZeneca objects to these Requests to the extent that they seek documents and information not within AstraZeneca's possession, custody, or control or are more appropriately sought from third parties to whom requests have been or may be directed.

9. AstraZeneca objects to these Requests to the extent that they seek to impose discovery obligations that are broader than, or inconsistent with, AstraZeneca's obligations under Wisconsin statutes or other applicable law.

10. AstraZeneca objects to the Requests to the extent that they call for production of publicly available documents or documents that could be obtained from the State's own files or other sources, and information or documents already possessed by the State.

11. AstraZeneca objects to any implications and to any explicit or implicit characterization of facts, events, circumstances, or issues in these Requests. AstraZeneca's response that it will produce documents in connection with a particular Request, or that it has no responsive documents, is not intended to indicate that AstraZeneca agrees with any implication or any explicit or implicit characterization of facts, events, circumstances, or issues in the Requests or that such implications or characterizations are relevant to this action.

12. No objection made herein, or lack thereof, shall be deemed an admission by AstraZeneca as to the existence or nonexistence of any information.

13. Subject to and without waiving any objection set forth herein, AstraZeneca will produce non-privileged, responsive documents and make them available for review, inspection and copying at the office of Stafford Rosenbaum LLP, 222 West Washington Avenue, Suite 900, P.O. Box 1784, Madison, Wisconsin 53701-1784, unless other mutually agreeable arrangements are made.

14. AstraZeneca objects to the definition of “you,” “your,” and “yours,” as set forth in Definition No. 1, on the grounds that this definition is overly broad, unduly burdensome, vague, and ambiguous. AstraZeneca further objects to this definition to the extent that it seeks to impose an obligation on AstraZeneca to obtain documents that are not in the possession, custody or control of AstraZeneca, and insofar as it purports to require AstraZeneca to speculate concerning the identities of individuals and business entities included in these definitions. Such an obligation is not imposed by Wisconsin statutes or other applicable law. AstraZeneca further objects to these definitions to the extent it purports to impose the unreasonable burden on AstraZeneca of obtaining documents in the possession of third parties.

15. AstraZeneca objects to the definition of “document” and “documents,” as set forth in Definition No. 2, on the grounds that this definition is overly broad, unduly burdensome, vague and ambiguous. AstraZeneca further objects to this definition to the extent it seeks to impose discovery obligations that are broader than, or inconsistent with, AstraZeneca’s obligations under Wisconsin statutes or other applicable law. AstraZeneca also objects to this definition to the extent that it requires or seeks to require AstraZeneca: (i) to produce documents or data in a particular form or format; (ii) to convert documents or data into a particular or different file format; (iii) to produce data fields, records, or reports about

produced documents or data; (iv) to produce documents or data on any particular media; (v) to search for and/or produce any documents or data on back-up tapes; (vi) to produce any proprietary software, data, programs, or databases; or (vii) to violate any licensing agreement or copyright laws.

**SPECIFIC RESPONSES AND OBJECTIONS TO  
REQUESTS FOR PRODUCTION OF DOCUMENTS**

Subject to the foregoing General Objections, and without waiving and expressly preserving all such objections that are incorporated by reference in each and every response below, AstraZeneca responds to the State's individually numbered requests as follows.

**DOCUMENT REQUEST NO. 7: All documents listed in Appendix A attached hereto in unredacted form. Each of these documents is identified in the Third Amended Master Consolidated Complaint Amended to Comply With the Court's Class Certification Order on the page listed in Appendix A and with the bates number identified in Appendix A. (Those without bates numbers are otherwise identified, e.g., paragraph 290).**

**RESPONSE TO DOCUMENT REQUEST NO. 7:** AstraZeneca objects to Document Request No. 7 to the extent it calls for information not in its possession, custody, or control. Subject to the foregoing objection and General Objections, AstraZeneca will produce the documents referenced in Appendix A that are labeled "AstraZeneca." However, documents in Appendix A that are labeled "AstraZeneca" and bear document control numbers with the prefix "P" were produced by plaintiffs in the Average Wholesale Price Litigation pending in Boston, Massachusetts ("MDL Proceeding"), not by AstraZeneca. AstraZeneca does not independently possess separate copies of these documents. Accordingly, AstraZeneca will produce these documents in the form in which they were received from the MDL plaintiffs, including plaintiffs' redactions. Further, to the extent that the document control numbers in Appendix A for the documents labeled "AstraZeneca"

denote only a portion of a larger document, AstraZeneca will produce the document in its entirety.

**DOCUMENT REQUEST NO. 8: Documents discussing or concerning the policy and practice of each defendant concerning the disclosures providers and pharmacy benefit managers may make of the drug price information they receive from the defendant or drug wholesalers from 1993 to the present.**

**RESPONSE TO DOCUMENT REQUEST NO. 8:** In addition to the General Objections set forth above, AstraZeneca objects to Document Request No. 8 on the grounds that it is overly broad, unduly burdensome, vague and ambiguous. AstraZeneca also objects to this Request in that it calls for information and documents outside AstraZeneca's possession, custody and control. Subject to the foregoing objections and General Objections, AstraZeneca will produce representative contracts between AstraZeneca and pharmacy benefit managers, as well as representative contracts between AstraZeneca and physicians or physicians groups, that include provisions relating to the disclosures such entities may make of the drug price information they receive from AstraZeneca.

**DOCUMENT REQUEST NO. 9: Exemplar agreements between each defendant and providers and pharmacy benefit managers applying defendants' policies and practices relating to the disclosures such entities may make of the drug price information they receive from defendant or wholesalers.**

**RESPONSE TO DOCUMENT REQUEST NO. 9:** AstraZeneca objects to this Request on the grounds that it is overly broad and unduly burdensome, in part because it contains absolutely no temporal limitation. AstraZeneca also objects to this Request on the ground that it is vague and ambiguous. AstraZeneca further objects to this Request in that it calls for information and documents outside AstraZeneca's possession, custody and control. Subject to the foregoing objections and General Objections, AstraZeneca will produce representative contracts between AstraZeneca and pharmacy benefit managers, as well as

representative contracts between AstraZeneca and physicians or physicians groups, that include provisions relating to the disclosures such entities may make of the drug price information they receive from AstraZeneca.

**DOCUMENT REQUEST NO. 10: Any sworn statement or deposition of any current or former employee or agent relating to any claim or investigation about or connected with: a) whether the defendant's published Average Wholesale Price (AWP) was or is inaccurate, or b) whether the defendant's published Wholesale Acquisition Cost (WAC) was or is inaccurate, or c) whether the defendant misrepresented its Average Wholesale Price or Wholesale Acquisition Cost to any publication, person, entity, or official, or d) whether the defendant violated a federal "best price" law or regulation, or e) whether the defendant's agents furnished free samples to providers for improper reasons.**

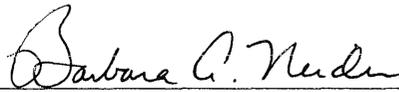
**RESPONSE TO DOCUMENT REQUEST NO. 10:** In addition to the General Objections set forth above, AstraZeneca objects to Document Request No. 10 on the grounds that it is vague and ambiguous. AstraZeneca also objects to the extent it seeks documents or information related to non-AstraZeneca employees. In addition, AstraZeneca further objects to this request to the extent it seeks documents that may not be produced pursuant to a protective order in another proceeding. AstraZeneca also objects on the grounds that Request No. 10 is not limited to a particular time frame. Subject to the foregoing objections and the General Objections, AstraZeneca will produce (1) the transcript of a hearing on June 20, 2003 before the Honorable Joseph J. Farnan, Jr., U.S. District Judge for the District of

Delaware reflecting the sworn statement of Glenn Engelmann and (2) the transcripts from the depositions of its current and former employees taken in the MDL Proceeding.

Dated: January 4, 2006

Of Counsel:

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*Attorneys for Defendants  
AstraZeneca Pharmaceuticals LP and  
AstraZeneca LP*

*CERTIFICATE OF SERVICE*

I hereby certify that on this 4<sup>th</sup> day of January, 2006, I served true and correct copies of Astrazeneca Pharmaceuticals LP's and Astrazeneca LP's Responses to Plaintiff's Written Discovery Requests No. 3 upon plaintiff's counsel listed below by U.S. Mail and/or by hand (as indicated) and upon defendants' counsel by electronic mail.

Peggy A. Lautenschlager  
Cynthia R. Hirsch  
Frank D. Remington  
Wisconsin Department of Justice  
114 East State Capitol  
P.O. Box 7857  
Madison, WI 53707-7857  
(By First Class Mail)

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Winget-Hernandez, LLC  
466 Pine Crest Drive  
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