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

**DEFENDANT AVENTIS PHARMACEUTICALS INC.’S
RESPONSE TO PLAINTIFF’S SIXTH SET OF REQUESTS
FOR PRODUCTION OF DOCUMENTS TO ALL DEFENDANTS**

Pursuant to Wis. Stat. §§ 804.01 and 804.09, defendant Aventis Pharmaceuticals Inc. (“Aventis”), by its attorneys, objects and responds to Plaintiff’s Sixth Set of Requests for Production of Documents to All Defendants (Requests”) as follows:

PRELIMINARY STATEMENT

1. These responses and objections are made solely for the purposes of this action. By responding to these Requests, Aventis does not waive or intend to waive: (a) any objections as to the competency, relevancy, materiality, privilege, status, or admissibility as evidence, for any purpose, of any documents or information produced in response to these Requests; (b) the right to object on any ground to the use of the documents or information produced in response to these Requests at any deposition, hearing, trial or other proceeding, or to their use in any pleading or submission; or (c) the right to object on any ground at any time to a demand for further responses to these Requests.

2. By responding that it will produce documents responsive to this particular Request, Aventis does not assert that it has responsive documents or that such documents exist,

only that it will conduct a reasonable search and produce relevant, responsive, non-privileged documents on a rolling basis as agreed upon with Plaintiff's counsel, and subject to a binding order of confidentiality. No objection made herein, or lack thereof, is an admission by Aventis as to the existence or non-existence of any documents.

3. Aventis's responses are made based upon a reasonable and diligent investigation conducted to date. Discovery and investigation in this matter are ongoing and Aventis reserves the right to amend its responses and to raise any additional objections it may have in the future. These responses are made based upon the typical or usual interpretation of words contained in the Requests, unless a specific definition or instruction has been provided and/or agreed upon.

4. Aventis's responses to the Requests contain information subject to the Protective Order entered on November 29, 2005 in this matter and must be treated accordingly.

GENERAL OBJECTIONS

Aventis objects generally to Plaintiff's Requests as follows:

1. Aventis objects to Plaintiff's "Definitions" and "Instructions" to the extent Plaintiff intends to expand upon or alter Aventis's obligations under the Wisconsin Rules of Civil Procedure. Aventis will comply with the Wisconsin Rules of Civil Procedure in providing its responses to Plaintiff's Requests.

2. Aventis objects to each Request to the extent that it calls for the identification or production of documents or information not relevant to the issues in this action and not reasonably calculated to lead to the discovery of admissible evidence, or are overly broad, unduly burdensome, ambiguous, or vague.

3. Aventis objects to the definition of “Document(s)” on the grounds that it is vague and ambiguous and to the extent that it seeks to impose obligations beyond those imposed by the applicable Wisconsin Rules of Civil Procedure. Aventis further objects to this definition to the extent that it purports to require Aventis to identify or produce documents or data in a particular form or format, to convert documents or data into a particular file format, to produce documents or data on any particular media, to search for and/or produce or identify documents or data on back-up tapes, to produce any proprietary software, data, programs or databases, to violate any licensing agreement or copyright laws, or to produce data, fields, records, or reports about produced documents or data. The production of any documents or data or the provision of other information by Aventis as an accommodation to Plaintiff shall not be deemed to constitute a waiver of this objection.

4. Aventis objects to the extent that any Request seeks information that is protected from disclosure by the work product doctrine, the attorney-client, accountant-client, consulting expert, or by any other applicable privilege or protection. 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 Aventis’s right to assert the applicability of any privilege or immunity to the documents or information, and Aventis demands that any such document or information be returned to Aventis’s counsel immediately upon discovery therefore. Aventis agrees to prepare and provide Plaintiff with a listing or log of documents withheld on the grounds of privilege at the conclusion of its final production.

5. Aventis objects to Plaintiff’s Requests to the extent it calls for production of documents or information not within its possession, custody, or control.

6. Aventis objects to Plaintiff's Requests to the extent they call for information that is confidential, proprietary, and/or a trade secret of a third-party or is protected from disclosure by an agreement with a third-party.

7. Aventis objects to Plaintiff's Requests to the extent they seek disclosure of information that is a matter of public record, is equally available to the Plaintiff, or is already in the possession of the Plaintiff.

8. Aventis objects to the definition of time period covered by the Requests to the extent it encompasses any time period after June 3, 2004, the date Plaintiff filed its original Complaint in this case.

9. Aventis expressly incorporates the above General Objections into each specific response to Plaintiff's Requests set forth as if set forth in full therein. A response to Plaintiff's Requests shall not operate as a waiver of any applicable specific or general objection.

RESPONSES TO REQUEST FOR DOCUMENTS

DOCUMENT REQUEST NO. 20: The following documents relating to the Together RX programs:

- a. contracts or written agreements with providers (including doctors and retail pharmacies);
- b. documents identifying or relating to the reimbursement to participating providers (including doctors and retail pharmacies) for the ingredient cost of covered prescription drugs, including but not limited to, any formula for reimbursement based on the average wholesale price ("AWP") of such drugs;
- c. documents identifying or relating to the amount of the dispensing fee paid to participating providers (including doctors and retail pharmacies) for covered prescription drugs;
- d. documents identifying or relating to the eligibility requirements for participation in the Together Rx programs; and

- e. documents identifying your prescription drugs covered by the Together Rx programs.

RESPONSE: In addition to the General Objections set forth above, Aventis objects to this Request on the grounds that it is overly broad, unduly burdensome, and seeks documents that are neither relevant to the subject matter of the pending action, nor reasonably calculated to lead to the discovery of admissible evidence and that are outside the scope of permissible discovery. Aventis specifically objects to this Request to the extent it seeks documents not relevant to the State's claims, which are limited to Wisconsin. Aventis further objects to this Request to the extent it seeks proprietary, commercially sensitive, or confidential documents or information.

DOCUMENT REQUEST NO. 21: All documents relating to any program of yours that provides, or is marketed as providing, a discount or savings to consumers for any of your prescription drugs. Examples of such programs are the Novartis Savings Program a/k/a the Novartis Care Plan (Novartis Care Card), Pfizer for Living Program (Pfizer Share Card), Pfizer U Share Prescription Drug Discount Card, and the GlaxoSmithKline Orange Card. This request includes, but is not limited to, the following documents:

- a. contracts or written agreements with providers (including doctors and retail pharmacies);
- b. documents identifying or relating to the reimbursement to participating providers (including doctors and retail pharmacies) for the ingredient cost of covered prescription drugs, including but not limited to, any formula for reimbursement based on the AWP of such drugs;
- c. documents identifying or relating to the amount of the dispensing fee paid to participating providers (including doctors and retail pharmacies) for covered prescription drugs;
- d. documents identifying or relating to the eligibility requirements for participation in the program; and
- e. documents identifying your prescription drugs covered by the program.

RESPONSE: In addition to the General Objections set forth above, Aventis objects to this Request on the grounds that it is overly broad, unduly burdensome, and seeks

documents that are neither relevant to the subject matter of the pending action, nor reasonably calculated to lead to the discovery of admissible evidence and that are outside the scope of permissible discovery. Aventis specifically objects to this Request to the extent it seeks documents not relevant to the State's claims, which are limited to Wisconsin. Aventis further objects on the grounds that the phrases and terms "any program of yours that provides, or is marketed as providing," "a discount or savings," and "consumers" are vague, ambiguous, and undefined. Aventis also objects to this Request to the extent it seeks documents relating to programs that "provide, or [are] marketed as providing, a discount or savings to" consumers of Aventis's products because such documents are neither relevant to the subject matter involved in the pending action, nor likely to lead to the discovery of admissible evidence. Finally, Aventis objects to this Request to the extent it seeks proprietary, commercially sensitive, or confidential documents or information.

Dated: February 13, 2008

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CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of February, 2008, a true and correct copy of Aventis Pharmaceuticals Inc.'s Responses and Objections to Plaintiff's Sixth Set of Requests For Production of Documents to All Defendants was served on counsel of record by Lexis Nexis File & Serve.

AVENTIS PHARMACEUTICALS INC.

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