

STATE OF WISCONSIN,

Plaintiff,

Case No.: 04-CV-1709

v.

AMGEN INC., et al.,

Defendants.

**DEFENDANT AVENTIS PHARMACEUTICALS INC.'S
SUPPLEMENTAL RESPONSES TO PLAINTIFF STATE OF
WISCONSIN'S WRITTEN DISCOVERY REQUEST NO. 3**

Pursuant to Rule 804.09 of the Wisconsin Rules of Civil Procedure, Defendant Aventis Pharmaceuticals Inc. ("Aventis"), by its undersigned counsel, provides the following supplemental responses to Plaintiff's Written Discovery Requests No. 3 ("Requests"), dated November 8, 2005. Aventis incorporates as though fully set forth herein its Preliminary Statement and General Objections as stated in its initial responses to Plaintiff's Requests served on January 9, 2006. In addition, Aventis amends its General Objections as follows.

AMENDED GENERAL OBJECTIONS

1. Aventis objects to the definition of "Defined Period of Time" to the extent it calls for information or documents created either prior to June 3, 1998 or after June 3, 2004, on the ground that such information is neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence. Aventis believes that the longest statute of limitations period applicable to Plaintiff's claims began to run six years prior to the date of filing of the Complaint. While Plaintiff may be required to produce

documents from an earlier time based on the allegations that they have chosen to plead, Aventis is not similarly obligated.

SUPPLEMENTAL RESPONSES TO REQUEST FOR PRODUCTION

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 Class Action 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: Aventis objects to this Request to the extent it seeks documents not in Aventis's possession, custody, or control. Many of the documents identified in Request No. 7 were produced in the AWP MDL proceeding by parties other than Aventis. Aventis further objects to the extent that this request seeks documents not reasonably calculated to lead to the discovery of admissible evidence. Aventis further objects to the extent that this request seeks production of documents created either prior to August 10, 1998, or after August 10, 2004. Aventis further objects because the scope of products at issue in this case is undefined.

Subject to and without waiving these objections, Aventis will produce those documents identified on Plaintiff's Appendix A to this request that were previously produced by Aventis in the AWP MDL, subject to an appropriate protective order of confidentiality.

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: Aventis objects to this request because the phrase "disclosures" is undefined, vague, and ambiguous. Aventis further objects because this request is not reasonably calculated to lead to the discovery of admissible evidence as it seeks documents created before August 10, 1998, and documents created after August 10, 2004. Aventis further objects because this request seeks documents relating to all of Aventis's products even though the question of

what products are at issue in this case is not yet defined. Aventis further objects to this request to the extent it seeks the production of documents protected by the attorney-client privilege and/or attorney work product doctrine, or any other applicable privilege against disclosure.

Subject to and without waiving these objections, and when the scope of products at issue is defined by either the parties or the Court, Aventis will conduct reasonably diligent searches and will produce relevant, responsive, non-privileged documents, to the extent such documents exist, on a rolling basis as agreed upon by counsel, subject to an appropriate protective order of confidentiality.

SUPPLEMENTAL RESPONSE: Subject to and without waiving the objections set forth above, Aventis states that it has identified a core set of documents that relate to its pricing, marketing, sales, and contracting practices, with specific reference to many of its products. Aventis will produce a copy of these documents, subject to the terms of the binding protective order of confidentiality previously entered in this case and to the terms of the parties' stipulation concerning the approved uses of these documents.

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: Aventis objects to this request because the phrase "disclosures" is undefined, vague, and ambiguous. Aventis further objects to the extent this request seeks production of documents not in Aventis's possession, custody or control. Aventis further objects because this request is not reasonably calculated to lead to the discovery of admissible evidence as it seeks documents created before August 10, 1998, and documents created after August 10, 2004. Aventis further objects because this request seeks documents relating to all of Aventis's products even though the question of what products are at issue in this case is not yet defined.

Subject to and without waiving these objections, and when the scope of products at issue is defined by either the parties or the Court, and to the extent such agreements exist, Aventis will produce exemplar agreements responsive to this request, subject to an appropriate order of confidentiality.

SUPPLEMENTAL RESPONSE: Subject to and without waiving the objections set forth above, Aventis states that it has identified a core set of documents that relate to its pricing, marketing, sales, and contracting practices, with specific reference to many of its products. Aventis will produce a copy of these documents, subject to the terms of the binding protective order of confidentiality previously entered in this case and to the terms of the parties' stipulation concerning the approved uses of these documents.

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: Aventis objects to this request as overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Aventis further objects to this request as vague and ambiguous. Aventis further objects to this request to the extent it seeks information protected by the attorney-client privilege or the work product doctrine. Aventis further objects to Plaintiff's use of the terms "inaccurate," "misrepresented," and "improper" as vague, ambiguous, and argumentative. Aventis further objects to this request to the extent it seeks documents subject to protective orders of confidentiality. Aventis further objects to the extent this request seeks information related to non-Aventis employees. Aventis further objects because this request is not limited in time.

Dated: September 25th, 2007

By: /s/ Clifford Joe Cavitt
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ATTORNEYS FOR DEFENDANT
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CERTIFICATE OF SERVICE

I hereby certify that I have on this 25th day of September, 2007, electronically served a true and correct copy of Aventis Pharmaceuticals Inc.'s Supplemental Responses to Plaintiff State of Wisconsin's Written Discovery Request No. 3 on counsel of record by transmission to LNFS, pursuant to Case Management Order.

/s/ Clifford Joe Cavitt _____
Clifford Joe Cavitt