

3. BMS's responses are made based upon reasonable and diligent investigation conducted to date. Discovery and investigation in this matter are ongoing and BMS 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 Plaintiff's Requests, unless a specific definition or instruction has been provided.

4. BMS's responses to these Requests are contingent upon, and are made subject and pursuant to, the protective order entered in this action and must be treated accordingly.

5. BMS's responses to these Requests are submitted without prejudice to BMS's right to produce evidence of any subsequently discovered facts and to present in any proceeding and at trial any further information and documents obtained during discovery and preparation for trial. BMS reserves its right to provide further responses as additional facts are ascertained.

6. Any statement by BMS contained in these objections and responses that non-privileged documents or information will be produced in response to a specific request does not mean that any such documents or information actually exist, but only that they will be produced to the extent that they exist.

GENERAL OBJECTIONS

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

2. BMS objects to the Requests to the extent that they seek information or documents from outside the statute of limitations applicable to the claims in this action, from

beyond the time period relevant to this action, or from after the filing of the initial Complaint on June 3, 2004. The production of any documents or the provision of any other information by BMS that pre-dates or post-dates the relevant time period shall not be deemed to constitute a waiver of this objection.

3. BMS 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 and vague. In response to these Requests, BMS will produce information concerning only those drugs that the parties have agreed are at issue in this action.

4. BMS objects to these Requests to the extent they call for the production of documents or information that are privileged or otherwise protected against discovery pursuant to the attorney-client privilege, joint defense/prosecution privilege, the work product doctrine, the consulting expert rule, the common interest doctrine or other applicable statutory or common law. 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 BMS's 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 BMS's counsel immediately upon discovery thereof.

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

6. BMS objects to these Requests to the extent that they seek production of publicly available documents or information, or information which Plaintiff has in its possession or can obtain from other sources.

7. BMS objects to these Requests to the extent that they purport to impose obligations beyond, or inconsistent, with those imposed by applicable law. BMS will respond to these Requests, subject to other objections, as required by the Wisconsin Rules of Civil Procedure.

8. BMS objects to any implications and to any explicit or implicit characterization of facts, events, circumstances, or issues in these Requests. BMS'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 BMS 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.

9. BMS objects to these Requests to the extent they call for the production of trade secret, proprietary, commercially sensitive, or other confidential information.

10. BMS incorporates the above Preliminary Statement and General Objections and the below Objections to Definitions into each response to the Requests set forth below as if set forth fully therein. The response to a Request shall not operate as a waiver of any applicable specific or general objection to any Request.

OBJECTIONS TO DEFINITIONS

(1) The terms "you," "your," or "your company" shall mean the each defendant, and its subsidiaries, divisions, predecessors, officers, agents and all other persons acting or

purporting to act on behalf of each defendant or its subsidiaries or predecessors.

OBJECTION: BMS objects to the definitions of “you,” “your” and “your company” as set forth in Definition No. 1 on the grounds that they are overly broad, unduly burdensome, vague and ambiguous. BMS states that all Responses contained herein are on behalf of defendant Bristol-Myers Squibb Company.

(2) The words “document” and “documents” are used in the broadest possible sense and refer, without limitation, to all written, printed, typed, photostatic, photographed, recorded or otherwise reproduced communications or representations of every kind and description, whether comprised of letters, words, numbers, pictures, sounds, or symbols, or any combination thereof, whether prepared by hand or by mechanical, electronic, magnetic, photographic, or other means, as well as audio or video recordings of communications, oral statement, conversations or events. This definition includes, but is not limited to, any and all of the following: day-timers, journals, logs, calendars, handwritten notes, correspondence, minutes, records, messages, memoranda, telephone memoranda, diaries, contracts, agreements, invoices, orders, acknowledgments, receipts, bills, statements, appraisals, reports, forecasts, compilations, schedules, studies, summaries, analyses, pamphlets, brochures, advertisements, newspaper clippings, tables tabulations, financial statements, working papers, tallies, maps, drawings, diagrams, sketches, x-rays, charts labels, packaging, plans, photographs, pictures, film, microfilm, microfiche, computer-stored or computer-readable data, computer programs, computer printouts, telegrams, telexes, telefacsimiles, tapes, transcripts, recordings, and all other sources or formats from which data, information or communications can be obtained. Any preliminary versions, drafts, or revisions of any of the foregoing, any document which has or contains any attachment, enclosure, comment, notation, addition, insertion, or marking of any kind which is not a part of another document, or any document which does not contain a comment, notation, addition, insertion, or marking of any kind which is part of another document, is to be considered a separate document.

OBJECTION: BMS objects to the definitions of “document” and “documents” as set forth in Definition No. 2 on the grounds that it is vague and ambiguous. BMS also objects to this definition to the extent that it seeks to impose discovery obligations that are broader than, or inconsistent with, BMS’s obligations under the Wisconsin Rules of Civil Procedure. BMS further objects to this definition to the extent it requires or seeks to require BMS to: (i) produce documents or data in a particular form or format; (ii) convert documents or data into a particular or different file format from that which the documents are now stored; (iii) produce metadata constituting attorney work product, including without limitation, fields, records, or reports about produced documents or data; (iv) produce documents or data on any particular media; (v) search for and/or produce any documents or data on back-up tapes and/or such other storage media that may be inaccessible in the normal course of business; (vi) produce any proprietary software, data, programs, or databases; or (vii) violate any licensing agreements or copyright laws.

RESPONSES TO DOCUMENT REQUESTS

REQUEST FOR PRODUCTION NO. 23: Attached hereto as Exh. 1 is a copy of a blank form entitled “HDMA Standard Product Information Pharmaceutical Products.” Please produce all such forms that you have completed (as to any or all of the information on such forms) for any of your drugs from January 1, 1991 to the present as well as all documents that identify each person or entity, if any (including but not limited to Cardinal Health, McKesson Corporation, or Amerisource Bergen Corporation, or any of their predecessor entities), to whom you sent or provided any such forms and the dates that you sent or provided such forms to any such person or entity.

RESPONSE: In addition to the Preliminary Statement, General Objections and Objections to Definitions set forth above, which are incorporated herein by reference, BMS objects to Request for Production No. 23 on the grounds that it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. BMS further objects to this request to the extent it seeks information relating to BMS products other than those identified in Exhibit E to the Second Amended Complaint.

Notwithstanding its general and specific objections, and subject to and without waiving them, BMS agrees to undertake a reasonable search for representative non-privileged documents potentially responsive to this request in a manner to be negotiated and agreed upon between the parties.

REQUEST FOR PRODUCTION NO. 24: Any documents reflecting communications with drug wholesalers (including but not limited to Cardinal Health, McKesson Corporation, or Amerisource Bergen Corporation, or any of their predecessor entities) relating to: (1) AWP, SWP, WAC, MAC, FUL, or direct price; or (b) any pricing compendia including but not limited to First DataBank, Medispan, and Red Book.

RESPONSE: In addition to the Preliminary Statement, General Objections and Objections to Definitions set forth above, which are incorporated herein by reference, BMS objects to Request for Production No. 24 on the grounds that it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. BMS further objects to this request on the grounds that the terms “AWP,” “SWP,” “WAC,” “MAC,” “FUL” and “direct price” are vague, ambiguous and undefined. Additionally, BMS objects to this request on the grounds that it is not limited by timeframe.

Notwithstanding its general and specific objections, and subject to and without waiving them, BMS states that it has already produced documents responsive to this request.

REQUEST FOR PRODUCTION NO. 25: Documents relating to any contract or agreement with any health-care provider (including but not limited to retail pharmacies (chain or independent), doctors, or long-term care facilities) to share in the profits earned by such provider in connection with the provider’s sale or dispensing of any of your prescription drugs.

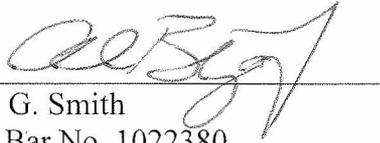
RESPONSE: In addition to the Preliminary Statement, General Objections and Objections to Definitions set forth above, which are incorporated herein by reference, BMS objects to Request for Production No. 25 on the grounds that it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. BMS further objects to this request on the grounds that the phrase “share in the profits earned by such provider in connection with the provider’s sale or dispensing of any of your prescription drugs” is vague and ambiguous. Additionally, BMS objects to this request to the extent it seeks information relating to BMS products other than those identified in Exhibit E to the Second Amended Complaint.

Notwithstanding its general and specific objections, and subject to and without waiving them, BMS states that it is unaware of the existence of documents responsive to this request.

Dated: August 21, 2008

Respectfully Submitted,

GODFREY & KAHN, S.C.

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Certificate of Service

I hereby certify that on August 21, 2008 a true and correct copy of the foregoing was served on all counsel of record by Lexis Nexis File & Serve®.



Adam C. Briggs