

stored; (iii) produce metadata constituting attorney work product, 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 agreement or copyright laws. Any documents that BMS produces in response to these Requests will be produced in the format produced in MDL 1456, which includes documents produced in electronic form that permits identification of custodians of documents and performance of full text searches, including key word searches.

3. BMS objects to the definition of “you,” “your,” and “your company” on the grounds that it is overly broad and unduly burdensome.

4. BMS’s responses to these Requests contain information subject to the Final Protective Order entered in this matter by the State of Wisconsin Circuit Court for Dane County on November 29, 2005 and must be treated accordingly. BMS is producing information and documents subject to the terms of the Final Protective Order.

RESPONSE TO SPECIFIC REQUESTS

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: Subject to and without waiving the foregoing Preliminary Statement and General Objections, BMS states that it has previously produced to Plaintiff the BMS documents listed in Appendix A to the Requests.

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: In addition to the General Objections set forth above, BMS objects to Request No. 8 on the grounds that it is overly broad, unduly burdensome, ambiguous, and not reasonably calculated to lead to the discovery of admissible evidence. BMS further objects to Request No. 8 on the grounds that the phrases “providers,” “drug price information” and “disclosures” are vague and undefined and on the grounds that the request may call for information and documents outside BMS’s possession, custody and control. BMS further objects to Request No. 8 to the extent that it seeks information from outside the statute of limitations applicable to the claims in this litigation. Subject to and without waiving the foregoing Preliminary Statement, General Objections, and Specific Objections, BMS states that it has previously produced to Plaintiff documents responsive to this Request.

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: BMS objects to Request No. 9 on the grounds that it is overly broad, unduly burdensome, ambiguous, and not reasonably calculated to lead to the discovery of admissible evidence. BMS further objects to Request No. 9 on the grounds that the phrases “providers,” “exemplar agreements,” “drug price information,” and “disclosures” are vague and undefined. BMS also objects to this request on the

grounds that the request may call for information and documents outside BMS's possession, custody and control and that it is not limited to a particular time frame. Subject to and without waiving the foregoing Preliminary Statement, General Objections, and Specific Objections, BMS states that it has previously produced to Plaintiff documents responsive to this Request.

REQUEST NO. 10:

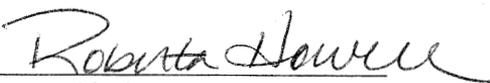
Any sworn statement or deposition of any current or former employee or agent relating to any claim or investigation about or connected with: a) whether the defendant's published Average Wholesale Price (AWP) was or is inaccurate, or b) whether the defendant's published Wholesale Acquisition Cost (WAC) was or is accurate, 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: BMS objects to Request No. 10 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 on the grounds that the terms "claim," "investigation," "accurate" "inaccurate" and "improper reasons" are vague and ambiguous and that the phrases "Average Wholesale Price," "Wholesale Acquisition Cost," "federal 'best price' law or regulation," and "free samples" are undefined. BMS objects to this request to the extent it seeks documents or information related to non-BMS employees. BMS further objects to this request to the extent it calls for a legal conclusion or seeks documents that may not be produced pursuant to a protective order in another proceeding. BMS also objects on the grounds that Request No. 10 is not limited to a particular time frame. Subject to and without waiving the foregoing Preliminary Statement, General Objections, and Specific Objections, BMS states that it will produce

to Plaintiff the transcripts of depositions of present and former BMS employees
conducted in MDL 1456.

Dated: January 9, 2006

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