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

**BRISTOL-MYERS SQUIBB COMPANY’S RESPONSES AND OBJECTIONS TO
PLAINTIFF STATE OF WISCONSIN’S SEVENTH SET OF REQUESTS
FOR PRODUCTION OF DOCUMENTS TO ALL DEFENDANTS**

Pursuant to Wisconsin Rule of Civil Procedure §§ 804.01 and 804.09, defendant Bristol-Myers Squibb Company (“BMS”), by its attorneys, objects and responds to Plaintiff’s Seventh 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. Each response is subject to all objections as to competence, relevance, materiality, propriety, and admissibility, and to any and all other objections that may be applicable at a trial or other hearing or proceeding, all of which objections and grounds are expressly reserved and may be interposed at the time of trial.

2. BMS’s responses and objections shall not be deemed to constitute admissions:
- a. that any particular document or thing exists, is relevant, non-privileged, or admissible in evidence; or
 - b. that any statement or characterization in the Requests is accurate or complete.

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 the Requests, unless a specific definition or instruction has been provided and/or agreed upon.

Notwithstanding any objection set forth herein, and without waiving any such objection, BMS will negotiate with Plaintiff in an effort to reach an agreement regarding the scope of the Requests, and will supplement or amend these objections and responses consistent with those negotiations.

4. BMS'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.

5. BMS's responses are submitted without prejudice to BMS' 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

BMS objects generally to the Requests as follows:

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 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 is not

reasonably calculated to lead to the discovery of admissible evidence.

3. BMS objects to the definition of “Documents” 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. BMS further objects to this definition to the extent that it purports to require BMS 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 BMS as an accommodation to Plaintiff shall not be deemed to constitute a waiver of this objection.

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

5. BMS 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 investigative privileges, by any common interest or joint defense agreement, or by any other applicable privilege or protection. BMS 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.

6. BMS objects to each Request to the extent that it calls for production of documents or information not within its possession, custody, or control. In responding to these requests, BMS has undertaken or will undertake a diligent and reasonable search of documents and information within BMS’s current possession, custody, or control.

7. BMS objects to each Request to the extent that it calls for information that is confidential, proprietary, and/or a trade secret of a third party. Any such materials produced will be

subject to the Protective Order entered in this action.

8. BMS objects to each Request to the extent that it seeks 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.

9. BMS expressly incorporates the above General Objections into each specific response to the Requests set forth below as if set forth in full therein. The response to a Request shall not operate as a waiver of any applicable specific or general objection to the Request.

RESPONSE TO SPECIFIC REQUESTS

DOCUMENT REQUEST NO. 22: All documents relating to your purchase, license, or receipt, of pricing information, including but not limited to average wholesale prices (“AWPs”) or wholesale acquisition costs (“WACs”) from First DataBank, Red Book, or Medispan for your drugs or the drugs of your competitors, including but not limited to contracts or license agreements. This request includes, but is not limited to, your purchase, license, or receipt of First DataBank’s National Drug Data File (“NDDF”). In addition, this request includes, but is not limited to contracts or license agreements between you and any other party that provides pricing information from First DataBank, Red Book, or Medispan (for example, agreements between you and DMD America in connection with its “Analysource” product).

RESPONSE: In addition to its General Objections, which are incorporated herein by reference, BMS objects to this Request on the grounds that it is overly broad, unduly burdensome, and the following phrases are vague, ambiguous, and undefined: “pricing information,” “competitors” and “any other party.” BMS further objects to this Request to the extent it seeks the production of documents that are protected by the attorney-client privilege and/or work-product doctrine. BMS also objects to this Request on the grounds that it calls for the production of documents not relevant to the issues in this action and it is not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving its general and specific objections, BMS states that it will undertake a reasonable search for non-privileged documents potentially responsive to this Request and agrees to produce contracts and/or license agreements

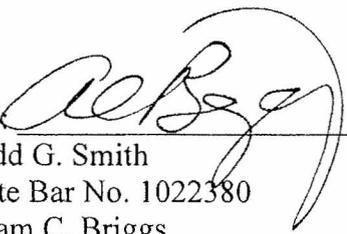
between it and First DataBank, RedBook, Medi-Span or DMD America to the extent BMS locates these documents in its possession, custody and control.

Dated: March 5, 2008

Respectfully Submitted,

GODFREY & KAHN, S.C.

BY



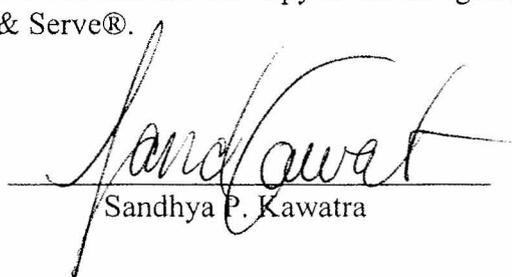
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Certificate of Service

I hereby certify that on March 5, 2008 a true and correct copy of the foregoing was served on all counsel of record by Lexis Nexis File & Serve®.



Sandhya P. Kawatra