

STATE OF WISCONSIN

CIRCUIT COURT
Branch 9

DANE COUNTY

STATE OF WISCONSIN,

)

Plaintiff,

)

)

v.

)

Civil Action No. 04 CV 1709

)

ABBOTT LABORATORIES, INC.

)

et al.,

)

)

Defendants.

)

)

**DEFENDANTS' FIFTH SET OF DOCUMENT REQUESTS
DIRECTED TO PLAINTIFF**

Pursuant to Chapter 804 of the Wisconsin Statutes, Defendants request that the State of Wisconsin ("Plaintiff") respond to the following Requests for Production ("the Requests") no later than 30 days from date of service. In an effort to limit the burden on Plaintiff and advance the efficient resolution of this litigation, Defendants have coordinated in propounding these Requests. By submitting joint Discovery Requests, Defendants do not intend to waive or limit each Defendant's right to propound additional discovery, whether joint or individual.

DEFINITIONS AND GENERAL INSTRUCTIONS

Defendants hereby incorporate the Definitions and General Instructions contained in Defendants' First Set of Interrogatories and Request for Production Direct to Plaintiff, served on October 19, 2005, Defendants' Second Set of Interrogatories and Requests for Production Directed to Plaintiff, served on February 20, 2006, Defendants' Third Set of Interrogatories and Requests for Production Directed to Plaintiff, served on May 21, 2007, and Defendants' Fourth Set of Interrogatories and Requests for Production

Directed to Plaintiff, served on October 18, 2007. In addition, the following terms used in these Requests, whether or not capitalized, are defined as follows:

A. “Managed Care Program” refers to any health care program operated by the State of Wisconsin, including but not limited programs operated by the Bureau of Managed Health Care Programs (“BMHCP”),

B. “Managed Care Organization” refers to any Health Maintenance Organization (“HMO”) or other entity that provides insurance or coverage based on a capitated rate.

DOCUMENT REQUESTS

1. All Documents referred to or used in responding to Defendants’ Fourth Set of Interrogatories Directed to Plaintiff.

2. All Documents relating to your prescription drug benefit or coverage for any beneficiaries of the Wisconsin Medical Assistance Programs through Managed Care Programs.

3. All Documents relating to why you decided to use capitated rates for your prescription drug benefit or coverage for any beneficiaries of the Wisconsin Medicaid Assistance Programs through Managed Care Programs.

4. All Documents relating to how you determined, set or changed a capitated rate for your prescription drug benefit or coverage for any beneficiaries of the Wisconsin Medicaid Assistance Programs through Managed Care Programs.

5. All prescription drug claims paid on a capitated basis by you for any beneficiaries of the Wisconsin Medical Assistance Programs.

6. All Documents relating to communications between you and any Managed Care Program or Managed Care Organization concerning the cost or price of prescription drugs.

7. All Documents relating to any approval of capitated rates that include prescription drug benefit or coverage.

Dated: November 26, 2007

/s/ Kimberly K. Heuer

Beth Kushner SBN 1008591
VON BRIESEN & ROPER, S.C.
411 East Wisconsin Avenue, Suite 700
Milwaukee, WI 53202
Tele: 414.287.1373
Fax: 414.276.6281

John C. Dodds (*admitted pro hac vice*)
Kimberly K. Heuer (*admitted pro hac vice*)
ORGAN, LEWIS & BOCKIUS, LLP
1701 Market Street
Philadelphia, PA 19103
Tele: 215.963.5000
Fax: 215.963.5001

Certificate of Service

I, Kimberly K. Heuer, hereby certify that on this 26th day of November, 2007, a true and correct copy of the foregoing Defendants' Fifth Set of Document Requests Directed to Plaintiff was served on all counsel of record by Lexis Nexis File & Serve®.

/s/ Kimberly K. Heuer

Kimberly K. Heuer