

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN**

STATE OF WISCONSIN,)	
)	
Plaintiff,)	
)	
v.)	Case No. 05 C 0408 C
)	
ABBOTT LABORATORIES, INC., et al.,)	
)	
Defendants.)	

**IMMUNEX'S RESPONSES TO PLAINTIFF'S
FIRST SET OF REQUESTS FOR PRODUCTION OF
DOCUMENTS TO ALL DEFENDANTS**

Defendant Immunex Corporation hereby objects and responds to Plaintiff's First Set of Requests for Production of Documents to All Defendants (the "Requests") as follows:

I. GENERAL OBJECTIONS AND LIMITATIONS

Immunex incorporates the General Objections and Limitations from its Responses to the First Set of Interrogatories.

**II. IMMUNEX'S SPECIFIC OBJECTIONS TO PLAINTIFF'S FIRST SET OF
REQUESTS FOR PRODUCTION OF DOCUMENTS TO ALL DEFENDANTS**

Subject to and incorporating the General Objections and Limitations, Immunex responds to Plaintiff's Requests as follows:

REQUEST NO. 1: All National Sales Data for each Targeted Drug during the Defined Period of Time.

RESPONSE:

Immunex has produced documents in the putative class action portion of MDL No. 1456, and discovery in the Montana and Nevada state cases in the MDL is to be completed by the end

of 2005. Searching for responsive documents beyond those already produced would be burdensome, would result in significant and unnecessary duplication of effort, and is inconsistent with the coordination obligation under the MDL Case Management Order 9. Immunex will produce responsive documents from the MDL production at a time to be agreed upon once the scope of discovery is established.

REQUEST NO. 2: All Documents containing AMPs as reported or calculated by you for the Targeted Drugs OR a, spread sheet or database showing all reported and calculated AMPs for each Targeted Drug over the Defined Period of Time which lists when such AMPs were reported or calculated, and the quarter to WHICH each AMP applies.

RESPONSE:

Immunex has produced documents in the putative class action portion of MDL No. 1456, and discovery in the Montana and Nevada state cases in the MDL is to be completed by the end of 2005. Searching for responsive documents beyond those already produced would be burdensome, would result in significant and unnecessary duplication of effort, and is inconsistent with the coordination obligation under the MDL Case Management Order 9. Immunex will produce responsive documents from the MDL production at a time to be agreed upon once the scope of discovery is established.

REQUEST NO. 3: All Documents created by you, or in your possession, that discuss or comment on the difference (or Spread) between any Average Wholesale Price or Wholesale Acquisition Cost and the list or actual sales price (to any purchaser) of any of defendants' Pharmaceuticals or any Pharmaceuticals-sold by other manufacturers. Documents which merely list the AWP or WAC price and the list or actual sales price without further calculation of the difference, or without other comment or discussion of or about the spread between such prices are not sought by this request.

RESPONSE:

Immunex has produced documents in the putative class action portion of MDL No. 1456, and discovery in the Montana and Nevada state cases in the MDL is to be completed by the end of 2005. Searching for responsive documents beyond those already produced would be burdensome, would result in significant and unnecessary duplication of effort, and is inconsistent with the coordination obligation under the MDL Case Management Order 9. Immunex will produce responsive documents from the MDL production at a time to be agreed upon once the scope of discovery is established.

REQUEST NO. 4: All Documents containing an average sales price or composite price identified by you in response to Interrogatory No. I of Plaintiff's First Set of Interrogatories to All Defendants.

RESPONSE:

Immunex has produced documents in the putative class action portion of MDL No. 1456, and discovery in the Montana and Nevada state cases in the MDL is to be completed by the end of 2005. Searching for responsive documents beyond those already produced would be burdensome, would result in significant and unnecessary duplication of effort, and is inconsistent with the coordination obligation under the MDL Case Management Order 9. Immunex will produce responsive documents from the MDL production at a time to be agreed upon once the scope of discovery is established.

REQUEST NO. 5: All Documents sent to or received from First DataBank, Redbook and Medi-span regarding the price of any Targeted Drug.

RESPONSE:

Immunex has produced documents in the putative class action portion of MDL No. 1456, and discovery in the Montana and Nevada state cases in the MDL is to be completed by the end of 2005. Searching for responsive documents beyond those already produced would be

burdensome, would result in significant and unnecessary duplication of effort, and is inconsistent with the coordination obligation under the MDL Case Management Order 9. Immunex will produce responsive documents from the MDL production at a time to be agreed upon once the scope of discovery is established.

REQUEST NO. 6: All Documents in your possession prepared by IMS Health regarding a Targeted Drug or the competitor of a Targeted Drug regarding pricing, sales or market share.

RESPONSE:

Immunex has produced documents in the putative class action portion of MDL No. 1456, and discovery in the Montana and Nevada state cases in the MDL is to be completed by the end of 2005. Searching for responsive documents beyond those already produced would be burdensome, would result in significant and unnecessary duplication of effort, and is inconsistent with the coordination obligation under the MDL Case Management Order 9. Immunex will

produce responsive documents from the MDL production at a time to be agreed upon once the scope of discovery is established.

DATED: July 15, 2005.



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