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

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**PHARMACIA CORPORATION’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 804.09, defendant Pharmacia Corporation (“Pharmacia”), by its attorneys, objects and responds to Plaintiff’s Seventh Set for 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 and no other purpose. Each response is made without in any way waiving or intending to waive: (i) any objections as to the competency, relevancy, materiality, privilege, or admissibility as evidence, for any purpose, information or documents produced in response to these Requests; (ii) the right to object on any ground to the use of the documents or information produced in response to the Requests at any hearings or at trial; or (iii) the right to object on any ground at any time for further responses to the Requests; (iv) its right at any time to revise, correct, add to, supplement, or clarify any of the responses contained herein; and (v) 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. Pharmacia has not completed its investigation and discovery relating to this case. The specific responses set forth below and any production made pursuant to the accompanying document requests are based upon, and necessarily limited by, information now available to Pharmacia.

3. Pharmacia 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, are overly broad, unduly burdensome, ambiguous and vague.

4. Pharmacia objects to these Requests to the extent they call for the production of documents or information protected from disclosure under the attorney-client privilege, the work product doctrine, or any other legally recognized privilege, immunity, or exemption from discovery. 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 Pharmacia'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 Pharmacia's counsel immediately upon discovery thereof.

5. Pharmacia objects to these Requests to the extent that they seek production of publicly available documents or information, or that which Plaintiff can obtain from other sources.

6. Pharmacia's responses to these Requests are submitted without prejudice to Pharmacia's right to produce evidence of any subsequently discovered fact. Pharmacia accordingly reserves its right to produce further responses and answers as additional facts are ascertained.

7. Pharmacia's responses to these Requests contain information subject to the Protective Order entered on November 29, 2005 in this matter and must be treated accordingly.

8. Pharmacia objects to these Requests to the extent that they seek to impose discovery obligations that are broader than, or inconsistent with, Pharmacia's obligations under the Wisconsin Rules of Civil Procedure.

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

10. Pharmacia 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.

11. Pharmacia 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. Pharmacia further objects to this definition to the extent that it purports to require Pharmacia 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 Pharmacia as an accommodation to Plaintiff shall not be deemed to constitute a waiver of this objection.

12. Pharmacia objects to each Request to the extent that it calls for production of documents or information not within its possession, custody, or control or are more appropriately sought from third parties to whom requests have been or may be directed.

13. Pharmacia 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.

14. Pharmacia 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.

15. Pharmacia objects to the definition of the time-period covered by the Requests to the extent it encompasses any time-period after June 3, 2004, the date Plaintiff filed its original Complaint in this case.

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

17. Pharmacia 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.

## **RESPONSES AND OBJECTIONS 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 TO REQUEST NO. 22:** In addition to its General Objections, which are incorporated herein by reference, Pharmacia objects to Document Request No. 22 on the grounds that it is overly broad and the following terms or phrases are vague, ambiguous and undefined: “purchase, license, or receipt,” “competitors,” “any other party that provides” and “pricing information.” Pharmacia further objects to this Request to the extent it seeks documents that are neither relevant to the State’s claims nor reasonably calculated to lead to the discovery of admissible evidence.

Notwithstanding the foregoing General and Specific Objections, and without waiving them, Pharmacia agrees to produce any agreements it may have with DMD America and First Databank, and any invoices reflecting subscriptions to Red Book.

March 5, 2008

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Certificate of Service

I, Jamie M. McCall, hereby certify that on this day of 5th day of March 2008, a true and correct copy of Pharmacia Corporation's Responses and Objections to Plaintiff's Seventh Set of Requests for Production of Documents to All Defendants was served on all counsel of record by Lexis Nexis File & Serve®.

/s/ Jamie M. McCall  
Jamie M. McCall