

a. Pharmacia objects to the Requests to the extent they purport to require Pharmacia to produce documents on behalf of any entity other than Pharmacia.

b. Pharmacia objects to the Requests to the extent they purport to require Pharmacia to produce documents that were created before January 1, 1993 or after June 3, 2004, the date on which plaintiff filed its Complaint in this matter, on the grounds that such documents are neither relevant to the subject matter of this action nor reasonably calculated to lead to the discovery of admissible evidence.

c. Pharmacia objects to the Requests to the extent they overlap with previous requests for the production of documents propounded by the State and/or documents already produced by Pharmacia to the State.

d. By responding to the Requests, Pharmacia does not waive or intend to waive its right at any time to revise, correct, add to, supplement, or clarify any of the responses contained herein.

e. Pharmacia objects to the Requests to the extent they purport to require Pharmacia to directly or indirectly disclose information protected by the attorney-client privilege, work-product doctrine, common-interest doctrine, joint-defense privilege, or any other applicable privileges or protections.

f. Pharmacia objects to the Requests to the extent they purport to require Pharmacia to produce documents not in Pharmacia's custody or control, publicly available documents or information, documents or information equally available to the State or documents or information more appropriately sought from third parties to whom subpoenas or document requests could be or have been directed.

g. Any information produced in response to the Requests is subject to the terms of the Order of Confidentiality entered in this litigation.

h. The information produced in response to the Requests is for use in this litigation and for no other purpose.

OBJECTIONS TO DEFINITIONS

1. Pharmacia objects to the definition of the terms “you,” “your,” and “your company” in Definition No. 1 on the grounds that it is vague and ambiguous with respect to the language “subsidiaries, divisions, predecessors, officers, agents and all other persons acting or purporting to act on behalf of defendants or their subsidiaries or predecessors.” Pharmacia further objects to this definition on the grounds that it responds to these document requests on behalf of Pharmacia only and not on behalf of any entity other than Pharmacia.

OBJECTIONS TO INSTRUCTIONS

1. Pharmacia objects to Instruction No. 1 on the grounds that it is vague and ambiguous with respect to the language “possession, custody, or control,” “of any of them” and “any of their agents.” Pharmacia further objects to this Instruction to the extent that the State seeks documents that are more appropriately sought from third parties to whom requests have been or may be directed.

SPECIFIC RESPONSES AND OBJECTIONS TO REQUESTS FOR PRODUCTION

1. Any documents which show that the actual net price paid by wholesalers to defendant for the targeted drugs was equal to or greater than the then current Wholesale Acquisition Cost (WAC) or Net Wholesale Price (NWP) published by First DataBank, Red Book or Medispan (“the pricing compendiums”) and any documents which show what percentage these sales were to the total sales of a particular drug.

RESPONSE TO REQUEST NO. 1:

In addition to the General Objections set forth above, Pharmacia objects to this request on the grounds that it is overly broad and unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Pharmacia objects to this request on the grounds that it is vague, ambiguous and undefined with respect to the terms “actual net price,” “defendant,” “targeted drugs,” “then current Wholesale Acquisition Cost (“WAC”),” “Net Wholesale Price (“NWP”),” “published,” “First DataBank,” “Red Book,” “Medispan,” and “documents which show what percentage these sales were to the total sales of a particular drug.” Pharmacia further objects to this request on the grounds that Pharmacia has already produced non-privileged documents responsive to plaintiff’s document requests, to the extent they exist.

2. Documents which show, or together with other documents tend to show, that the net price paid by retail and chain pharmacies, long-term care pharmacies, mail order pharmacies, home health care entities, or doctors (providers) for the Targeted Drugs was equal to or greater than the then current Average Wholesale Price (AWP) published by the pricing compendiums.

RESPONSE TO REQUEST NO. 2:

In addition to the General Objections set forth above, Pharmacia objects to this request on the grounds that it is overly broad and unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Pharmacia objects to this request on the grounds that it is vague, ambiguous and undefined with respect to the terms “net price,” “retail and chain pharmacies, long-term care pharmacies, mail-order pharmacies, home health care entities,” “Targeted Drugs,” “then current Average Wholesale Price (“AWP”),” “published,” and “pricing

compendiums.” Pharmacia further objects to this request on the grounds that it is more properly directed to entities other than Pharmacia. Pharmacia further objects to this request on the grounds that Pharmacia has already produced non-privileged documents responsive to plaintiff’s document requests, to the extent they exist.

3. Documents which show, or tend to show, the net price paid by providers for the targeted drugs.

RESPONSE TO REQUEST NO. 3:

In addition to the General Objections set forth above, Pharmacia objects to this request on the grounds that it is overly broad and unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Pharmacia objects to this request on the grounds that it is vague, ambiguous and undefined with respect to the terms “net price,” “providers” and “targeted drugs.” Pharmacia further objects to this Request on the grounds that it is better directed to entities other than Pharmacia. Pharmacia further objects to this request on the grounds that Pharmacia has already produced non-privileged documents responsive to plaintiff’s document requests.

4. Documents which show, or tend to show, that defendant was aware or believed that the published AWP for any of its drugs exceeded the net price providers were paying for drugs (including, but not limited to, defendant’s drugs).

RESPONSE TO REQUEST NO. 4:

In addition to the General Objections set forth above, Pharmacia objects to this request on the grounds that it is overly broad and unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Pharmacia objects to this request on the grounds that it is vague, ambiguous and undefined with respect to the terms “defendant,” “published AWP,” “drugs,” “net price” and “providers.” Pharmacia further objects to this request on the grounds that Pharmacia has already produced non-privileged documents responsive to plaintiff’s document requests, to the extent they exist.

5. Documents which show defendant's knowledge or belief of the markup or margin above a wholesaler's actual net acquisition cost applied by a wholesaler when selling or re-selling drugs (including but not limited to defendant's drugs) to providers.

RESPONSE TO REQUEST NO. 5:

In addition to the General Objections set forth above, Pharmacia objects to this request on the grounds that it is overly broad and unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Pharmacia objects to this request on the grounds that it is vague, ambiguous and undefined with respect to the terms "defendant," "markup," "margin," "wholesaler's actual net acquisition cost," "drugs" and "providers." Pharmacia further objects to this Request on the grounds that it is better directed to entities other than Pharmacia. Pharmacia further objects to this request on the grounds that Pharmacia has already produced non-privileged documents responsive to plaintiff's document requests, to the extent they exist.

6. Exemplar documents illustrating the entire range of discounts, rebates, chargebacks, free goods, incentives or other things of value offered by defendant to providers.

RESPONSE TO REQUEST NO. 6:

In addition to the General Objections set forth above, Pharmacia objects to this request on the grounds that it is overly broad and unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Pharmacia objects to this request on the grounds that it is vague, ambiguous and undefined with respect to the terms "discounts," "free goods," "incentives," "other things of value," "defendant" and "providers." Pharmacia further objects to this request on the grounds that Pharmacia has already produced non-privileged documents responsive to plaintiff's document requests.

7. Any marketing document, or document used in marketing, referring to the AWP of a drug of the defendant.

RESPONSE TO REQUEST NO. 7:

In addition to the General Objections set forth above, Pharmacia objects to this request on the grounds that it is overly broad and unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Pharmacia objects to this request on the grounds that it is vague, ambiguous and undefined with respect to the terms “marketing document,” “marketing,” “AWP,” “drug,” and “defendant.” Pharmacia further objects to this Request on the grounds that it fails to limit the request to only the “Targeted Drugs.” Pharmacia further objects to this request on the grounds that Pharmacia has already produced non-privileged documents responsive to plaintiff’s document requests.

8. Documents which describe how the defendant handles returns from pharmacists.

RESPONSE TO REQUEST NO. 8:

In addition to the General Objections set forth above, Pharmacia objects to this request on the grounds that it is overly broad and unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Pharmacia objects to this request on the grounds that it is vague, ambiguous and undefined with respect to the terms “defendant,” “handles” and “returns.” Pharmacia further objects to this request on the grounds that Pharmacia has already produced non-privileged documents responsive to plaintiff’s document requests.

9. All documents reflecting communications between defendant and First DataBank, Red Book or Medispan.

RESPONSE TO REQUEST NO. 9:

In addition to the General Objections set forth above, Pharmacia objects to this request on the grounds that it is overly broad and unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Pharmacia objects to this request on the grounds that it is vague, ambiguous and undefined with respect to the terms “communications,” “defendant,” “First DataBank,” “Red Book” and “Medispan.” Pharmacia further objects to this request on the

grounds that Pharmacia has already produced non-privileged documents responsive to plaintiff's document requests.

10. Documents which discuss, concern or explain defendant's reasons for supplying AWP's, WAC's or other prices to the pricing compendiums.

RESPONSE TO REQUEST NO. 10:

In addition to the General Objections set forth above, Pharmacia objects to this request on the grounds that it is overly broad and unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Pharmacia objects to this request on the grounds that it is vague, ambiguous and undefined with respect to the terms "defendant," "supplying," "AWP's," "other prices" and "pricing compendiums." Pharmacia further objects to this request on the grounds that Pharmacia has already produced non-privileged documents responsive to plaintiff's document requests, to the extent they exist..

11. Documents reflecting communications between the defendant and any Wisconsin state employee.

RESPONSE TO REQUEST NO. 11:

In addition to the General Objections set forth above, Pharmacia objects to this request on the grounds that it is overly broad and unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Pharmacia objects to this request on the grounds that it is vague, ambiguous and undefined with respect to the terms "communications," "defendant," and "state employee." Pharmacia further objects to this Request on the grounds that requests documents that are as equally available to the plaintiff as they are to Pharmacia. Pharmacia further objects to this request on the grounds that Pharmacia has already produced non-privileged documents responsive to plaintiff's document requests.

12. Documents discussing, concerning or about how the defendant initially set its AWP, WAC, Direct Price or any other price it sent to the pricing compendiums in connection with each targeted drug.

RESPONSE TO REQUEST NO. 12:

In addition to the General Objections set forth above, Pharmacia objects to this request on the grounds that it is overly broad and unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Pharmacia objects to this request on the grounds that it is vague, ambiguous and undefined with respect to the terms “defendant,” “set,” “AWP,” “Direct Price,” “any other price,” “pricing compendiums,” “in connection with,” and “targeted drug.” Pharmacia further objects to this request on the grounds that Pharmacia has already produced non-privileged documents responsive to plaintiff’s document requests, to the extent they exist.

13. Documents showing each instance in which defendant changed its AWP, its WAC or Direct Price on any of its targeted drugs and any documents discussing, concerning or about the reasons for any such change.

RESPONSE TO REQUEST NO. 13:

In addition to the General Objections set forth above, Pharmacia objects to this request on the grounds that it is overly broad and unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Pharmacia objects to this request on the grounds that it is vague, ambiguous and undefined with respect to the terms “defendant,” “changed,” “AWP,” “Direct Price,” “targeted drugs” and “change.” Pharmacia further objects to this request on the grounds that Pharmacia has already produced non-privileged documents responsive to plaintiff’s document requests, to the extent they exist.

14. Documents discussing, concerning or about the formulaic relationship, if any, between defendant’s AWP of a particular drug and its WAC.

RESPONSE TO REQUEST NO. 14:

In addition to the General Objections set forth above, Pharmacia objects to this request on the grounds that it is overly broad and unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Pharmacia objects to this request on the grounds that it is vague, ambiguous and undefined with respect to the terms “formulaic relationship,”

“defendant’s AWP” and “particular drug.” Pharmacia further objects to this request on the grounds that Pharmacia has already produced non-privileged documents responsive to plaintiff’s document requests.

15. Any document reflecting a public disclosure by the defendant of the fact that the AWP’s published by the pricing compendiums do not accurately reflect the price providers are paying for defendant’s drugs.

RESPONSE TO REQUEST NO. 15:

In addition to the General Objections set forth above, Pharmacia objects to this request on the grounds that it is overly broad and unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Pharmacia objects to this request on the grounds that it is vague, ambiguous and undefined with respect to the terms “public disclosure,” “AWPs,” “published,” “pricing compendiums,” “providers” and “defendant’s drugs.” Pharmacia further objects to this request on the grounds that Pharmacia has already produced non-privileged documents responsive to plaintiff’s document requests, to the extent they exist.

16. Documents describing the methodology, or methodologies (if they have changed over time) used by defendant for calculating its AMPs for the targeted drugs.

RESPONSE TO REQUEST NO. 16:

In addition to the General Objections set forth above, Pharmacia objects to this request on the grounds that it is overly broad and unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Pharmacia objects to this request on the grounds that it is vague, ambiguous and undefined with respect to the terms “used,” “defendant,” “AMPs” and “targeted drugs.” Pharmacia further objects to this request on the grounds that Pharmacia has already produced non-privileged documents responsive to plaintiff’s document requests.

17. Documents describing defendant’s policy and/or practice of requiring purchasers of its drugs to keep the actual prices such purchasers pay for defendant’s drugs confidential.

RESPONSE TO REQUEST NO. 17:

In addition to the General Objections set forth above, Pharmacia objects to this request on the grounds that it is overly broad and unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Pharmacia objects to this request on the grounds that it is vague, ambiguous and undefined with respect to the terms “defendant,” “policy,” “practice,” “requiring,” “drugs” and “confidential.” Pharmacia further objects to this request on the grounds that Pharmacia has already produced non-privileged documents responsive to plaintiff’s document requests.

18. Documents discussing, concerning or about any actions taken by First DataBank in connection with the publication of the AWP’s of defendant’s drugs.

RESPONSE TO REQUEST NO. 18:

In addition to the General Objections set forth above, Pharmacia objects to this request on the grounds that it is overly broad and unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Pharmacia objects to this request on the grounds that it is vague, ambiguous and undefined with respect to the terms “discussing,” “concerning,” “about,” “actions,” “First DataBank,” “in connection,” “AWP’s” and “defendant’s drugs.” Pharmacia further objects to this request on the grounds that it is more properly directed to entities other than Pharmacia. Pharmacia further objects to this request on the grounds that Pharmacia has already produced non-privileged documents responsive to plaintiff’s document requests.

19. Documents defining AWP or WAC.

RESPONSE TO REQUEST NO. 19:

In addition to the General Objections set forth above, Pharmacia objects to this request on the grounds that it is overly broad and unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Pharmacia objects to this request on the grounds that it

is vague, ambiguous and undefined with respect to the terms “defining” and “AWP.” Pharmacia further objects to this request on the grounds that it is more properly directed to entities other than Pharmacia. Pharmacia further objects to this request on the grounds that Pharmacia has already produced non-privileged documents responsive to plaintiff’s document requests.

20. Documents discussing how AWP is used by providers.

RESPONSE TO REQUEST NO. 20:

In addition to the General Objections set forth above, Pharmacia objects to this request on the grounds that it is overly broad and unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Pharmacia objects to this request on the grounds that it is vague, ambiguous and undefined with respect to the terms “discussing,” “AWP,” “used” and “providers.” Pharmacia further objects to this request on the grounds that it is more properly directed to entities other than Pharmacia. Pharmacia further objects to this request on the grounds that Pharmacia has already produced non-privileged documents responsive to plaintiff’s document requests.

21. Any and all sales or marketing materials that discuss the money to be made by a provider from purchasing a drug of the defendant.

RESPONSE TO REQUEST NO. 21:

In addition to the General Objections set forth above, Pharmacia objects to this request on the grounds that it is overly broad and unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Pharmacia objects to this request on the grounds that it is vague, ambiguous and undefined with respect to the terms “sales or marketing materials,” “discuss,” “provider,” “purchasing,” “drug” and “defendant.” Pharmacia further objects to this request on the grounds that Pharmacia has already produced non-privileged documents responsive to plaintiff’s document requests, to the extent they exist.

22. Documents regarding the margin or mark up between published WACs and published AWP.

RESPONSE TO REQUEST NO. 22:

In addition to the General Objections set forth above, Pharmacia objects to this request on the grounds that it is overly broad and unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Pharmacia objects to this request on the grounds that it is vague, ambiguous and undefined with respect to the terms “regarding,” “margin,” “mark up” and “AWPs.” Pharmacia further objects to this request on the grounds that it is more properly directed to entities other than Pharmacia. Pharmacia further objects to this request on the grounds that Pharmacia has already produced non-privileged documents responsive to plaintiff’s document requests.

23. Documents regarding defendant’s knowledge of whether the AWP published by First DataBank reflected actual market prices paid by the retail class of trade.

RESPONSE TO REQUEST NO. 23:

In addition to the General Objections set forth above, Pharmacia objects to this request on the grounds that it is overly broad and unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Pharmacia objects to this request on the grounds that it is vague, ambiguous and undefined with respect to the terms “defendant,” “knowledge,” “AWPs,” “First DataBank,” “reflected,” “actual market prices paid” and “retail class of trade.” Pharmacia further objects to this request on the grounds that it is more properly directed to entities other than Pharmacia. Pharmacia further objects to this request on the grounds that Pharmacia has already produced non-privileged documents responsive to plaintiff’s document requests, to the extent they exist.

24. All documents not specifically requested in paragraphs 1-23 immediately above that regard any of the subject matters identified in paragraphs 1-38 of the attached Plaintiff’s First Amended Notice of Deposition of Defendant Pharmacia.

RESPONSE TO REQUEST NO. 24:

In addition to the General Objections set forth above, Pharmacia objects to this request on the grounds that it is overly broad and unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Pharmacia objects to this request on the grounds that it seeks to impose discovery obligations that are broader than, or inconsistent with, Pharmacia's obligations under Wisconsin's Rules of Civil Procedure. Pharmacia further objects to this request on the grounds that Pharmacia has already produced non-privileged documents responsive to plaintiff's document requests, to the extent they exist. Pharmacia further incorporates by reference the objections contained in Pharmacia Corporation's Responses And Objections To Plaintiff's First Amended Notice of Deposition of Defendant Pharmacia, dated May 14, 2007.

Dated: May 14, 2007

s/John C. Dodds
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Attorneys for Pharmacia Corporation

CERTIFICATE OF SERVICE

I hereby certify that I have on this 14th day of May, 2007, electronically served a true and correct copy of the foregoing Responses and Objections to Plaintiff State of Wisconsin's First Request for Production of Documents To Defendant Pharmacia via LexisNexis File & Serve, pursuant to Case Management Order No. 2.

s/John C. Dodds
John C. Dodds