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

**PHARMACIA CORPORATION’S RESPONSES AND OBJECTIONS TO
PLAINTIFF STATE OF WISCONSIN’S FIFTH SET OF REQUESTS
FOR PRODUCTION OF DOCUMENTS TO ALL DEFENDANTS**

Pursuant to Wisconsin Rule of Civil Procedure 804.09, defendant Pharmacia Corporation’s (“Pharmacia”), by its attorneys, objects and responds to Plaintiff’s Fifth 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 documents and information not within Pharmacia's possession, custody, or control or are more appropriately sought from third parties to whom requests have been or may be directed.

6. 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.

7. 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.

8. 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.

9. 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.

10. 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.

11. 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.

12. 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.

13. 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.

14. 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.

15. 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.

16. 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.

17. 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.

RESPONSE AND OBJECTIONS TO SPECIFIC REQUESTS

DOCUMENT REQUEST NO. 14: All documents relating to lobbying efforts of you, or any individual or entity action on your behalf (including but not limited to third-party lobbyists or lobbyist organizations such as the Pharmaceutical Research and Manufacturers of America), with regard to:

- (a) the Wisconsin Medicaid program's reimbursement for prescription drugs;
- (b) other state Medicaid programs' reimbursement for prescription drugs; and
- (c) the federal Medicare program's reimbursement for prescription drugs.

Documents sought by this request include, but are not limited to:

- (a) communications with the State of Wisconsin, the Wisconsin Department of Health & Family Services, and the Wisconsin legislature (including any legislative committee or individual state legislator);
- (b) communications with other states, other state Medicaid programs, and other state legislatures (including any legislative committee or individual state legislator);
- (c) internal communications within your company;
- (d) communications between you and external third-party lobbyists or lobbyist organizations such as the Pharmaceutical Research and Manufacturers of America; and
- (e) documents identifying, describing, or relating to the amount of money spent on lobbying efforts regarding these issues.

RESPONSE TO REQUEST NO. 14:

In addition to its General Objections, which are incorporated herein by reference, Pharmacia objects to this Request on the grounds that it is overly broad, unduly burdensome, seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, and the following phrases are vague, ambiguous, and undefined: "lobbying efforts," "third-party lobbyists," "lobbyist organizations," and "external third-party lobbyists." Pharmacia 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.

Without waiving and subject to these objections, Pharmacia has produced or will produce non-privileged documents responsive to this Request, to the extent any exist.

DOCUMENT REQUEST NO. 15: Documents identifying, describing, or relating to your internal code of conduct or other policy relating to the ethical standards applicable to your employees.

RESPONSE TO DOCUMENT REQUEST NO. 15:

In addition to its General Objections, which are incorporated herein by reference, Pharmacia objects to this Request on the grounds that it is overly broad, unduly burdensome, seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, and the following phrases are vague, ambiguous, and undefined: “internal code of conduct,” “other policy,” and “ethical standards applicable to your employees.” Pharmacia 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.

Without waiving and subject to these objections, Pharmacia has produced or will produce non-privileged documents responsive to this Request, to the extent any exist.

DOCUMENT REQUEST NO. 16: Documents relating to your compliance policy or other policies designed to ensure adherence to applicable statutes, regulations and requirements for pharmaceutical manufacturers in connection with the Medicare and Medicaid programs.

RESPONSE TO DOCUMENT REQUEST NO. 16:

In addition to its General Objections, which are incorporated herein by reference, Pharmacia objects to this Request on the grounds that it is overly broad, unduly burdensome, seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, and the following phrases are vague, ambiguous, and undefined: “compliance policy,” “other policies,” and “applicable statutes, regulations and requirements for pharmaceutical manufacturers in connection with the Medicare and Medicaid programs.” Pharmacia further objects to the extent this Request to the extent it seeks the production of documents that are protected by the attorney-client privilege and/or the work product doctrine.

Without waiving and subject to these objections, Pharmacia has produced or will produce non-privileged documents responsive to this Request, to the extent any exist.

DOCUMENT REQUEST NO. 17: Documents relating to any policy relating to the use or promotion of, or reference to, the spread of a drug in connection with the sales or marketing of that drug including, but not limited to:

- (a) documents that relate to or describe the policy, including consequences for violation of the policy;
- (b) documents that identify the date that the policy was established and/or became effective;
- (c) documents identifying, describing, or relating to the reason(s) for establishment of the policy;
- (d) documents identifying, describing, or relating to the distribution and dissemination of the policy to your employees;
- (e) documents identifying, describing, or relating to training provided to your employees regarding the policy; and
- (f) documents relating to any actual or potential violations of the policy, including any investigation, determination, and action taken by your company related to any such actual or potential violation.

RESPONSE TO DOCUMENT REQUEST NO. 17:

In addition to its General Objections, which are incorporated herein by reference, Pharmacia objects to this Request on the grounds that it is overly broad, unduly burdensome, seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, and the following terms are vague, ambiguous, and undefined: “policy relating to the use or promotion of, or reference to, the spread of a drug” and “in connection with the sales or marketing of that drug.” Pharmacia further objects to this Request to the extent it calls for the production of documents that are protected by the attorney-client privilege and/or the work product doctrine.

Without waiving and subject to these objections, Pharmacia has produced or will produce non-privileged documents responsive to this Request, to the extent any exist.

DOCUMENT REQUEST NO. 18: Documents identifying or describing the reimbursement formula for prescription drugs used by the Wisconsin Medicaid Program, including but not limited to its formula for estimating acquisition cost or its use of AWP.

RESPONSE TO DOCUMENT REQUEST NO. 18:

In addition to its General Objections, which are incorporated herein by reference, Pharmacia objects to this Request on the grounds that it is overly broad, unduly burdensome, and seeks information already in the possession of the Plaintiff.

Without waiving and subject to these objections, Pharmacia has produced or will produce non-privileged documents responsive to this Request, to the extent any exist.

DOCUMENT REQUEST NO. 19: All documents relating to the National Pharmaceutical Council, including but not limited to the following:

- (a) documents relating to your membership in the National Pharmaceutical Council;
- (b) all correspondence between you and the National Pharmaceutical Council;
- (c) all annual publications of the National Pharmaceutical Council entitled "Pharmaceutical Benefits Under State Medical Assistance Programs."

RESPONSE TO DOCUMENT REQUEST NO. 19:

In addition to its General Objections, which are incorporated herein by reference, Pharmacia objects to this Request on the grounds that it is overly broad, unduly burdensome and to the extent it seeks information not reasonably calculated to lead to the discovery of admissible evidence.

July 27, 2007

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Attorneys for Pharmacia Corporation

Certificate of Service

I, Kimberly K. Heuer, hereby certify that on this day of 27th day of July, 2007, a true and correct copy of Pharmacia Corporation's Responses and Objections to Plaintiff's Fifth Set of Requests for Production of Documents to All Defendants was served on all counsel of record by Lexis Nexis File & Serve®.

/s/ Kimberly K. Heuer
Kimberly K. Heuer