

STATE OF WISCONSIN

CIRCUIT COURT  
Branch 9

DANE COUNTY

STATE OF WISCONSIN,

Plaintiff,

v.

AMGEN INC., *et al.*,

Defendants.

)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)

No. 04 CV 1709

PLAINTIFF'S SECOND SET OF REQUESTS  
FOR PRODUCTION OF DOCUMENTS TO DEFENDANTS  
ASTRAZENECA PHARMACEUTICALS, LP AND ASTRAZENECA LP

TO: Barbara A. Nieder, Esq.  
Stafford Rosenbaum LLP  
222 W. Washington Ave., Ste. 900  
P.O. Box 1784  
Madison, WI 53701-1784

Kimberly Harris, Esq.  
Davis, Polk & Wardwell  
450 Lexington Ave.  
New York, NY 10017

PLEASE TAKE NOTICE that the plaintiff requires defendant AstraZeneca Pharmaceuticals LP and AstraZeneca LP ("AstraZeneca") to produce the following described documents pursuant to Rule 804.09, within 30 days hereof at the offices of the Wisconsin Attorney General, Wisconsin, Department of Justice, P.O. Box 7857, Madison, WI 53707-7857, Attn: Cynthia Hirsch; and Miner, Barnhill & Galland, P.C., 44 E. Mifflin St., Ste. 803, Madison, WI 53703, Attn: Charles Barnhill.

DEFINITIONS

1. The term "document" means any writing or recording of any kind, including, without limitation, agendas, agreements, analyses, announcements, audits, booklets, books, brochures, calendars, charts, contracts, correspondence (including electronic mail), facsimiles

(faxes), film, graphs, letters, memos, maps, minutes, notes, notices, photographs, reports, schedules, summaries, tables, and telegrams, in any medium, whether written, graphic, pictorial, photographic, electronic, electronic mail, phonographic, mechanical, taped, saved on computer disc, hard drives, data tapes, or otherwise, and every non-identical copy. Different versions of the same document, such as different copies of a written record bearing different handwritten notations, are different documents within the meaning of the term as used. In case originals or original non-identical copies are not available, "document" includes copies of originals or copies of non-identical copies as the case may be.

2. The term "AstraZeneca" refers to AstraZeneca Pharmaceuticals LP, AstraZeneca LP, and any of their predecessor companies.

3. The term "incentive" means anything of value provided to a customer which would lower the consideration paid for a drug, regardless of the time it was provided (for example, at the time of invoicing, shipment, or payment, or monthly, quarterly, annually, or at any other time or on any other basis) and regardless of its name. The term "incentive" therefore includes, but is not limited to, payments or proposed payments in cash or in kind, chargebacks, credits, discounts such as return to practice discounts, prompt pay discounts, volume discounts, on-invoice discounts, off-invoice discounts, rebates such as market share rebates, access rebates, or bundled drug rebates, free goods or samples, credits, administrative fees or administrative fee reimbursements, marketing fees, stocking fees, conversion fees, patient education fees, off-invoice pricing, educational or other grants, research funding, payments for participation in clinical trials, honoraria, speaker's fees or payments, patient education fees or consulting fees.

## TIME PERIOD

The time period covered by these requests is January 1, 1993 to the present and documents relating to such period even though created before that period.

## REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST NO. 7: All documents relating to any incentive that AstraZeneca has provided, or offered to provide, to any retail pharmacy, including but not limited to the following:

- (a) documents that describe or identify the nature of each incentive or the conditions under which each incentive was provided to any retail pharmacy (for example, if a certain market share is achieved);
- (b) documents that describe or identify the specific drugs for which AstraZeneca has provided, or has offered to provide, any incentive to any retail pharmacy;
- (c) documents that describe or identify each retail pharmacy to which AstraZeneca has provided, or offered to provide, any incentive;
- (d) documents that describe or identify the time period for which AstraZeneca provided, or offered to provide, any incentive to a retail pharmacy;
- (e) documents that identify the amount of each incentive the AstraZeneca provided or offered to provide to each retail pharmacy;
- (f) all correspondence between AstraZeneca and any retail pharmacy regarding any incentive that AstraZeneca provided or offered to provide;
- (g) documents relating to consultants (including but not limited to Adheris) retained by AstraZeneca in connection with any incentive that AstraZeneca provided or offered to provide to any retail pharmacy.

As used in this request, the term "incentive" includes, but is not limited to, the following programs about which AstraZeneca 30(b)(6) designee Kathleen Zemanek testified at deposition in *In re Pharmaceutical Industry Average Wholesale Price Litigation*, Civil Action No. 01-cv-12257 (MDL No. 1456) (D.Mass.), on June 1, 2005 (*see* pages 53-57, and 98-113

of that deposition transcript, Bates nos. AZ\_WI0042434-AZ\_WI0042438 and AZ\_WI0042479-AZ\_WI0042494):

- (a) adherence programs;
- (b) Nexium adherence program;
- (c) Crestor adherence program;
- (d) Zestril adherence program;
- (e) market share programs;
- (f) performance incentive rebate contract ("PIRC") market share program;
- (g) Zestril PIRC program;
- (h) Accolate PIRC program;
- (i) Nolvadex PIRC program;
- (j) Zomig PIRC program;
- (k) Zestril incentive performance program ("ZIPP"); and
- (l) product conversion programs.

J.B. VAN HOLLEN  
Attorney General

/s/ Robert S. Libman  
One of the Attorneys for Plaintiff

FRANK D. REMINGTON  
Assistant Attorney General  
State Bar #1001131  
Wisconsin Dept. of Justice  
P.O. Box 7857  
Madison, WI 53707-7857  
(608) 266-3542

CHARLES BARNHILL  
State Bar #1015932  
WILLIAM P. DIXON  
State Bar #1012532  
ELIZABETH J. EBERLE  
State Bar #1037016  
ROBERT S. LIBMAN, admitted *Pro Hac Vice*  
Miner, Barnhill & Galland, P.C.  
44 E. Mifflin St.  
Madison, WI 53703  
(608) 255-5200

Attorneys for Plaintiff, State of Wisconsin

CERTIFICATE OF SERVICE

Lisa Mecca Davis certifies that she caused a copy of the attached Requests to be served upon all counsel of record, by LexisNexis File & Serve, this 29th day of October, 2007.

/s/ Lisa Mecca Davis

Lisa Mecca Davis