

STATE OF WISCONSIN

CIRCUIT COURT
Branch 9

DANE COUNTY

STATE OF WISCONSIN,

Plaintiff,

v.

AMGEN INC., *et al.*,

Defendants.

)
)
) No. 04 CV 1709
)
)
)
)
)
)
)

PLAINTIFF STATE OF WISCONSIN'S SEVENTH SET OF
REQUESTS FOR PRODUCTION OF DOCUMENTS TO ALL DEFENDANTS

TO: All counsel of record

PLEASE TAKE NOTICE that plaintiff requires each defendant to produce, 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, a copy of each of the following described documents pursuant to Rule 804.09.

DEFINITIONS

1. The terms "you," "your," or "your company" shall mean the each defendant, and its subsidiaries, divisions, predecessors, officers, agents and all other persons acting or purporting to act on behalf of each defendant or its subsidiaries or predecessors.

2. The words "document" and "documents" are used in the broadest possible sense and refer, without limitation, to all written, printed, typed, photostatic, photographed, recorded or otherwise reproduced communications or representations of every kind and description, whether comprised of letters, words, numbers, pictures, sounds, or symbols, or any combination thereof, whether prepared by hand or by mechanical, electronic, magnetic, photographic, or other means, as well as audio or video recordings of communications, oral statement, conversations or events.

This definition includes, but it not limited to, any and all of the following: day-timers, journals, logs, calendars, handwritten notes, correspondence, minutes, records, messages, memoranda, telephone memoranda, diaries, contracts, agreements, invoices, orders, acknowledgments, receipts, bills, statements, appraisals, reports, forecasts, compilations, schedules, studies, summaries, analyses, pamphlets, brochures, advertisements, newspaper clippings, tables tabulations, financial statements, working papers, tallies, maps, drawings, diagrams, sketches, x-rays, charts labels, packaging, plans, photographs, pictures, film, microfilm, microfiche, computer-stored or computer-readable data, computer programs, computer printouts, telegrams, telexes, telefacsimiles, tapes, transcripts, recordings, and all other sources or formats from which data, information or communications can be obtained. Any preliminary versions, drafts, or revisions of any of the foregoing, any document which has or contains any attachment, enclosure, comment, notation, addition, insertion, or marking of any kind which is not a part of another document, or any document which does not contain a comment, notation, addition, insertion, or marking of any kind which is part of another document, is to be considered a separate document.

INSTRUCTIONS

1. In responding to these requests, defendants are required to produce all responsive documents that are in the possession, custody, or control of any of them or any of their agents.

2. All documents that respond, in whole or in part, to any portion of the production requests below shall be produced in their entirety, including all attachments and enclosures.

3. If you withhold any document requested on the basis of a claim that it is protected from disclosure by privilege, work product, or otherwise, provide the following information separately for each such document:

- (a) the name and title of every author, sender, addressee, and recipient by category;
- (b) the date of the document;
- (c) the name and title of each person (other than stenographic or clerical assistants) participating in preparation of the document;

- (d) the name and title of each person to whom the contents of the document have been communicated by copy, exhibition, reading, or summary;
- (e) a description of the nature and subject matter of the document;
- (f) a statement of the basis on which it is claimed that the document is protected from disclosure; and
- (g) the name and title of the person supplying the information requested in subparagraphs (a)-(f) above.

4. Notwithstanding a claim that a document is protected from disclosure, any document so withheld must be produced with the portion claimed to be protected excised.

DOCUMENT 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 First DataBank, Red Book, or Medispan, as well as 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).

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
BENJAMIN J. BLUSTEIN
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 fourth day of February, 2008.

/s/ Lisa Mecca Davis
Lisa Mecca Davis