

STATE OF WISCONSIN,

Plaintiff,

v.

Case No.: 04CV1709

Unclassified Civil: 30703

ABBOTT LABORATORIES, ET AL.,

Defendants.

**PLAINTIFF'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS
TO DEFENDANT NOVARTIS PHARMACEUTICALS CORPORATION**

To:	Kim Grimmer Solheim, Billing & Grimmer SC P.O. Box 1644 Madison, WI 53701-1644	Mark D. Godler Kaye Scholer, LLP 425 Park Avenue New York, NY 10039
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PLEASE TAKE NOTICE that the Plaintiff requires the defendant Novartis Pharmaceuticals Corporation ("Novartis") to produce within thirty (30) days hereof at the offices of the Wisconsin Attorney General, Wisconsin, Department of Justice, Post Office Box 7857, Madison, Wisconsin 53707-7857 Attn: Cynthia Hirsch and Miner, Barnhill & Galland, P.C., 44 East Mifflin Street, Suite 803, Madison, WI 53703 Attn: Charles Barnhill a copy of each of the following described documents pursuant to Rule 804.09.

REQUEST FOR PRODUCTION OF DOCUMENTS

REQUEST NO. 1: All documents relating to First DataBank's publication of Average Wholesale Prices ("AWPs") for Novartis's drugs that were not identical to the Average Wholesale Prices ("AWPs") reported by Novartis to First DataBank, including, but not limited to, documents relating to communications between Novartis and the Novartis "managed care account" through which, according to the June 23, 2006 deposition testimony of Michael Conley, Novartis learned this fact in or around July 2002.

REQUEST NO. 2: All documents relating to any action Novartis considered or actually took to stop, object to, oppose, or otherwise express its disagreement with, First DataBank’s publication of Average Wholesale Prices (“AWPs”) for Novartis’s drugs that were not identical to the Average Wholesale Prices (“AWPs”) reported by Novartis to First DataBank.

REQUEST NO. 3: All documents relating to the markup or margin above a wholesaler’s actual net acquisition cost applied by a wholesaler when selling or re-selling drugs to retail pharmacies, long-term care pharmacies, mail-order pharmacies, or doctors.

REQUEST NO. 4: All documents relating to Novartis’s decision to set the Average Wholesale Price (“AWP”) for Diovan at 25% above the Wholesale Acquisition Cost (“WAC”) and report such AWP to First DataBank or the Red Book, including, but not limited to, documents indicating that Novartis set the AWP at 25% above WAC and/or reported such AWP to First DataBank or the Red Book in order to match the AWP of a competitor’s product.

REQUEST NO. 5: Novartis Pharmacy Benefit Report: Facts and Figures, 2000 edition, and all other editions of the Novartis Pharmacy Benefit Report from 1997 to the present.

REQUEST NO. 6: All documents relating to Novartis’s decision in or around March 2005 to stop reporting Average Wholesale Prices (“AWPs”) to First DataBank, the Red Book, and other third party journals.

REQUEST NO. 7: All documents relating to Novartis’s decision to include in its communications with First DataBank, the Red Book, and other third party journals the following (or similar) language:

“As used herein, the term “AWP” constitutes a reference for this Novartis product, set as a percentage above the price which the product is offered generally to wholesalers. Notwithstanding the inclusion of the term “price” in “Average Wholesale Price,” AWP is not intended to be a “price” charged by Novartis for any product to any customer.”

REQUEST NO. 8: All documents relating to communications by Novartis to any person in the Wisconsin Medicaid program using the same or similar language referenced in Request No. 7, or otherwise communicating that Novartis's AWP's were neither prices that were actual averages of wholesale prices, nor prices that were actually paid by retail pharmacies, long-term care pharmacies, mail-order pharmacies, or doctors.

REQUEST NO. 9: Any "gross to net calculations" for any targeted drug with regard to direct or indirect sales to retail pharmacies, long-term care pharmacies, mail-order pharmacies, or doctors.

REQUEST NO. 10: All documents regarding First DataBank's publication of clinical information relating to Diovan and Elidel that was inconsistent with the package inserts for those products provided by Novartis to First DataBank (about which Michael Conley testified at deposition on June 23, 2006).

Dated this 11th day of July, 2006.

/s/ Robert S. Libman
One of Plaintiff's Attorneys

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PROOF OF SERVICE

Lisa Mecca Davis certifies that she caused the foregoing Requests to be served upon all counsel of record, by LexisNexis File & Serve, this 11th day of July, 2006.

/s/ Lisa Mecca Davis
Lisa Mecca Davis