

STATE OF WISCONSIN,

Plaintiff,

v.

Case No.: 04CV1709

Unclassified Civil: 30703

ABBOTT LABORATORIES, ET AL.,

Defendants.

**PLAINTIFF'S SECOND 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.

DEFINITIONS

The term “Average Manufacturer Price” or “AMP” means the price Novartis reports or otherwise disseminates as the average manufacturer price for any pharmaceutical that Novartis reports for purposes of the Medicaid program, pursuant to 42 U.S.C. § 1396r-8.

The term “Medicaid rebate agreement” refers to an agreement pursuant to 42 U.S.C. § 1396r-8.

REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST NO. 11: All Medicaid rebate agreements between: (a) Novartis or its predecessor companies and (b) the federal government, from 1993 to the present.

REQUEST NO. 12: All documents containing, or relating to, the definition of Average Manufacturer Price (AMP).

REQUEST NO. 13: All documents describing, regarding, or relating to any actual or proposed methodology used or considered by Novartis for calculating Average Manufacturer Price (AMP) from 1993 to the present, including but not limited to: all internal Standard Operating Procedures (SOPs), releases or other documents from the federal government (including but not limited to HCFA or CMS), and other documents about which Serafina Oxner testified at deposition on September 20, 2006.

REQUEST NO. 14: The Medicaid Drug Rebate Program Operational Training Guide (Guide) published and/or distributed by the federal government (including but not limited to HCFA or CMS), including any versions, modifications, or amendments in effect between 1993 and the present, and any documents relating to the Guide.

REQUEST NO. 15: All correspondence between Novartis and the federal government (including but not limited to HCFA or CMS) from 1993 to the present relating to any actual or proposed methodology for calculating Average Manufacturer Price (AMP).

REQUEST NO. 16: With regard to the document that was marked by plaintiff as Plaintiff's Exhibit No. 95 at the deposition of Novartis on September 20, 2006, any documents relating to or supporting Novartis's practice of valuing units of "Non-Retail Chrg. Sales," "SPAP Sales," and "Medicaid Unit Sales" at the wholesale acquisition cost (WAC) or ex-factory price when deducting such sales from "Gross Non-Gov't Sales" when calculating Average Manufacturer Price (AMP).

REQUEST NO. 17: All documents relating to Novartis's policies, practices, or procedures from 1993 to the present regarding the confidentiality of the Average Manufacturer Price (AMP) of Novartis's drugs, including but not limited to policies relating to the confidentiality of AMPs vis-à-vis employees of Novartis (for example, (a) prohibitions on disclosure of AMPs to particular employees or departments within Novartis; or (b) procedures that must be followed for employees to obtain access to AMPs).

REQUEST NO. 18: Any documents indicating that Novartis has ever provided AMPs to the State of Wisconsin or the Wisconsin Department of Health and Family Services from 1993 to the present (Novartis need not produce documents relating to the production of AMPs to the State of Wisconsin pursuant to the State's previous discovery requests in this case)

REQUEST NO. 19: To the extent that Novartis contends that the State of Wisconsin was not prohibited by federal law from determining, and could have determined, the AMPs of Novartis's

drugs based on the Unit Rebate Amount for Novartis's drugs provided to the State of Wisconsin by the federal government pursuant to the Medicaid rebate statute, 42 U.S.C. § 1396r-8, produce all documents that support such contention.

Dated this 29th day of September, 2006.

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

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CERTIFICATE OF SERVICE

Lisa Mecca Davis certifies that she caused a copy of the foregoing Requests to be served upon all counsel of record, by LexisNexis File & Serve, this 29th day of September, 2006.

/s/ Lisa Mecca Davis
Lisa Mecca Davis