

STATE OF WISCONSIN

CIRCUIT COURT
Branch 9

DANE COUNTY

STATE OF WISCONSIN,

Plaintiff,

v.

AMGEN INC., *et al.*,

Defendants.

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No. 04 CV 1709

PLAINTIFF STATE OF WISCONSIN'S SIXTH 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, acknowledgements, 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.

3. The term "Together Rx programs" refer to (a) the program formed in or around 2001 or 2002 by Together Rx LLC, a Delaware limited liability (sometimes referred to as the Together Card Program); and (b) the "Together Rx Access Prescription Savings Program" described at <http://www.togetherrxaccess.com/>.

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.

5. The time period covered by these requests is January 1, 1993 to the present.

DOCUMENT REQUESTS

DOCUMENT REQUEST NO. 20: The following documents relating to the Together Rx programs:

- (a) contracts or written agreements with providers (including doctors and retail pharmacies);
- (b) documents identifying or relating to the reimbursement to participating providers (including doctors and retail pharmacies) for the ingredient cost of covered prescription drugs, including but not limited to, any

formula for reimbursement based on the average wholesale price ("AWP") of such drugs;

- (c) documents identifying or relating to the amount of the dispensing fee paid to participating providers (including doctors and retail pharmacies) for covered prescription drugs;
- (d) documents identifying or relating to the eligibility requirements for participation in the Together Rx programs; and
- (e) documents identifying your prescription drugs covered by the Together Rx programs.

DOCUMENT REQUEST NO. 21: All documents relating to any program of yours that provides, or is marketed as providing, a discount or savings to consumers for any of your prescription drugs. Examples of such programs are the Novartis Savings Program a/k/a the Novartis Care Plan (Novartis Care Card), Pfizer for Living Program (Pfizer Share Card), Pfizer U Share Prescription Drug Discount Card, and the GlaxoSmithKline Orange Card. This request includes, but is not limited to, the following documents:

- (a) contracts or written agreements with providers (including doctors and retail pharmacies);
- (b) documents identifying or relating to the reimbursement to participating providers (including doctors and retail pharmacies) for the ingredient cost of covered prescription drugs, including but not limited to, any formula for reimbursement based on the AWP of such drugs;
- (c) documents identifying or relating to the amount of the dispensing fee paid to participating providers (including doctors and retail pharmacies) for covered prescription drugs;
- (d) documents identifying or relating to the eligibility requirements for participation in the program; and
- (e) documents identifying your prescription drugs covered by the program.

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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 14th day of January, 2008.



Lisa Mecca Davis