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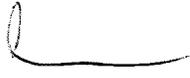
### **INSTRUCTIONS**

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) through (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.

Dated this 9<sup>th</sup> day of February, 2007.

  
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**CERTIFICATE OF SERVICE**

I hereby certify that I caused a true and correct copy of the foregoing PLAINTIFF STATE OF WISCONSIN'S INDIVIDUAL REQUEST FOR PRODUCTION OF DOCUMENTS NO. 1 TO DEFENDANT BRISTOL MYERS to be served on counsel of record by transmission to LNFS pursuant to Order dated December 20<sup>th</sup>, 2005.

Dated this 9<sup>th</sup> day of February, 2007.



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Charles Barnhill

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

In Re: )  
PHARMACEUTICAL INDUSTRY ) CA No. 01-12257-PBS  
AVERAGE WHOLESALE PRICE ) MDL No. 1456  
LITIGATION ) Pages 15-1 - 15-120

BENCH TRIAL - DAY FIFTEEN

BEFORE THE HONORABLE PATTI B. SARIS  
UNITED STATES DISTRICT JUDGE

United States District Court  
1 Courthouse Way, Courtroom 19  
Boston, Massachusetts  
December 7, 2006, 11:40 a.m.

LEE A. MARZILLI  
OFFICIAL COURT REPORTER  
United States District Court  
1 Courthouse Way, Room 3205  
Boston, MA 02210  
(617) 345-6787

1 being retained, BMS had commissioned some market research by  
2 another company to specifically investigate, if there were  
3 generic cisplatin introduced at certain prices, would  
4 physicians who were currently using Paraplatin, some  
5 physicians, not all, but would some physicians deconvert and  
6 go back to using cisplatin? And I think we need to be  
7 mindful of the fact that, you know, the extent to which one  
8 product is a therapeutic advantage or advance over another  
9 product is presumably related to the physician's own  
10 experience, the individual patient, et cetera. So certain  
11 physicians may have seen these products as closer substitutes  
12 than other physicians might have seen them.

13 THE COURT: So what you're really saying is,  
14 there's some debate in the field as to whether they're  
15 therapeutically equivalent or not? Or are you saying some  
16 doctors would just simply go with the better profit  
17 incentive?

18 THE WITNESS: Well, I'm afraid that what the market  
19 research showed was that some doctors would switch back for  
20 whatever reason. They may have thought that the therapeutic  
21 differences were less significant than the profit  
22 differences. We did not investigate why.

23 Q. Would it be fair to say that for some of the older  
24 doctors -- that Platinol or cisplatin was the first platinum,  
25 and that some of the older doctors thought it was a great