

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH 9

DANE COUNTY

STATE OF WISCONSIN,

Plaintiff,

v.

Case No. 04 CV 1709

ABBOTT LABORATORIES, INC., et.al.,

Defendants.

PLAINTIFF'S RESPONSE
TO DEFENDANTS' FIFTH SET OF DOCUMENT REQUESTS

The Defendants incorporated the definitions and instructions contained in their first through fourth sets of discovery. In response, the Plaintiff incorporates all of its objections it tendered in responding to Defendants' previous discovery as if fully set forth herein.

DOCUMENT REQUESTS

REQUEST NO. 1:

All Documents referred to or used in responding to Defendants' Fourth Set of Interrogatories Directed to Plaintiff.

ANSWER:

Plaintiff OBJECTS to this request on the ground that it has already been asked and answered. Please see Plaintiff's response to Defendants' Fourth Set of Interrogatories, "Request No. 1."

REQUEST NO. 2:

All Documents relating to your prescription drug benefit or coverage for any beneficiaries of the Wisconsin Medical Assistance Programs through Managed Care Programs.

ANSWER:

Plaintiff OBJECTS to this request on the ground that it is overbroad and unduly burdensome. Notwithstanding this objection, the Plaintiff has already produced data and documents relating to utilization of Defendants' pharmaceutical products by Medicaid recipients enrolled in managed care. Additionally, see Plaintiff's answer to Defendants' fifth set of interrogatories.

REQUEST NO. 3:

All Documents relating to why you decided to use capitated rates for your prescription drug benefit or coverage for any beneficiaries of the Wisconsin Medical Assistance Programs through Managed Care Programs.

ANSWER:

Plaintiff possesses no documents relating to "why" the State of Wisconsin Medical Assistance Program decided to use capitated rates for its prescription drug benefit or coverage for beneficiaries of the program through managed care because capitated rates are always used for any service within managed care.

REQUEST NO. 4:

All Documents relating to how you determined, set or changed a capitated rate for your prescription drug benefit or coverage for any beneficiaries of the Wisconsin Medical Assistance Programs through Managed Care Programs.

ANSWER:

Plaintiff possess no documents relating to how the State of Wisconsin Medical Assistance Program “determined, set or changed a capitated rate for the prescription drug benefit or coverage for any beneficiaries of the Wisconsin Medical Assistance Programs through Managed Care Programs” because there is no separate capitated rate for prescription drug benefit or coverage. Plaintiff contracts with an actuarial firm, currently Price Waterhouse Coopers, to establish the capitation rate. Capitation rates are based on historical utilization, priced at fee-for-service rates. The actual rates may be derived from the documents to be produced to the Defendants, i.e. the annual rate report.

REQUEST NO. 5:

All prescription drug claims paid on a capitated basis by you for any beneficiaries of the Wisconsin Medical Assistance Programs.

ANSWER:

Plaintiff possess no documents relating to prescription drug claims paid on a capitated basis for any beneficiaries of the Wisconsin Medical Assistance Programs because individual claims for drugs or other services are not paid on a capitated basis. Managed care organizations are paid on a capitated, per member per month basis for providing all covered medical assistance services for each member enrolled in a given month, regardless of how many or what kind of

services each individual member receives. The Plaintiff has, however, already produced the encounter data which shows utilization of pharmaceutical products by Medicaid recipients enrolled in managed care.

REQUEST NO. 6:

All Documents relating to communications between you and any Managed Care Program or Managed Care Organization concerning the cost or price of prescription drugs.

ANSWER:

The Plaintiff OBJECTS to this request to the extent it demands documents between the State of Wisconsin and any Managed Care Program or Managed Care Organization outside the Wisconsin Medical Assistance Program on the ground that it is irrelevant, and overly burdensome, and not likely to lead to the discovery of relevant and admissible evidence. Notwithstanding this objection, the Plaintiff will produce any documents responsive to this request and relevant to the Wisconsin Medical Assistance Program at a date and time convenient to both parties.

REQUEST NO. 7:

All Documents relating to any approval of capitated rates that include prescription drug benefit or coverage.

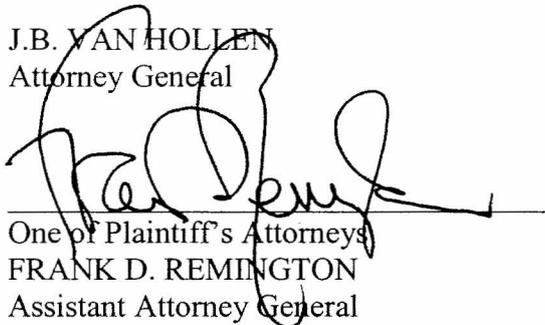
ANSWER:

The Plaintiff OBJECTS to this request to the extent it demands documents between the State of Wisconsin and any Managed Care Program or Managed Care Organization outside the Wisconsin Medical Assistance Program on the ground that it is irrelevant, and overly

burdensome, and not likely to lead to the discovery of relevant and admissible evidence. Notwithstanding this objection, the Plaintiff will produce any documents responsive to this request and relevant to the Wisconsin Medical Assistance Program at a date and time convenient to both parties.

Dated this 13th day of February, 2008.

J.B. VAN HOLLEN
Attorney General

A handwritten signature in black ink, appearing to read "Frank D. Remington", is written over a horizontal line. The signature is fluid and cursive.

One of Plaintiff's Attorneys
FRANK D. REMINGTON
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