



2. By objecting to the Fifth Document Requests, Sandoz does not in any way waive or intend to waive: (a) any objections as to the competency, relevancy, materiality, privilege or admissibility as evidence, for any purpose, of any information or documents that may be provided or produced in response to the Fifth Document Requests; (b) any objections as to the vagueness, ambiguity, or other infirmity in the form of any Document Request; (c) any objections based on the undue burden imposed by any Document Request; (d) any objections to the use of the documents or information that may be produced in response to the Fifth Document Requests at any hearings or at trial; (e) any objections to any further document requests involving or related to the subject matter of the Fifth Document Requests; and (f) any privileges, rights, or immunity under the Wisconsin Rules of Civil Procedure, Rules of Evidence, statutes, or common law.

3. By stating herein that Sandoz objects to a particular Document Request, Sandoz does not assert that it has responsive documents or information or that such material exists, only that it agrees that, at the appropriate time, it will conduct a reasonable search of its files most likely to contain responsive documents or information and produce responsive, non-objectionable, non-privileged documents revealed by such investigation. No objection made herein, or lack thereof, is an admission by Sandoz as to the existence or non-existence of any documents or information.

4. Sandoz' discovery and investigation in this matter are continuing and, therefore, Sandoz responds to these Requests based upon information that is in its possession currently. Pursuant to Section 804.01(5) of the Wisconsin Rules of Civil Procedure, Sandoz reserves its right to amend, supplement, and/or withdraw any objection set forth herein on the basis of documents or information found during its investigation or any discovery that might be taken in

this action. Sandoz expressly reserves its right to rely, at any time including trial, upon subsequently discovered documents, information or information omitted from any response as a result of mistake, oversight or inadvertence.

5. Sandoz objects to each Definition, Instruction and Document Request to the extent that it imposes discovery obligations greater than, or inconsistent with, Sandoz' obligations under the Wisconsin Rules of Civil Procedure, statutes, common law or local rules and to the extent that the State seeks discovery beyond that permitted by such Wisconsin law.

6. Sandoz objects to each Definition, Instruction and Document Request to the extent it seeks information or documents protected from disclosure by the attorney-client privilege, the work-product doctrine, or any other applicable privilege, immunity or protection against disclosure. Any inadvertent production of any privileged or protected information or document by Sandoz shall not constitute a specific or general waiver of any privilege or protection and shall not preclude Sandoz from objecting to disclosure on any other basis.

7. Sandoz objects to each Definition, Instruction and Document Request to the extent it seeks the production of proprietary or commercially sensitive information, including, but not limited to, personal financial information, confidential or proprietary research, procedures and processes relating to the pricing of pharmaceuticals, current and past marketing plans and methods, and current and past business planning and financial information. Sandoz' production of any document or provision of information pursuant to these Document Requests shall not be construed as a waiver of confidentiality of any such document or information.

8. Sandoz objects to each Definition, Instruction and Document Request to the extent it requires Sandoz to disclose information or produce documents outside of Sandoz' possession, custody, or control or no longer in existence, to seek information about or produce

documents from persons not currently employed or associated with Sandoz, or to provide or search for information or documents in the possession, custody or control of non-parties. At the appropriate time, Sandoz will only disclose information and produce documents that are within its possession, custody or control.

9. Sandoz objects to each Definition, Instruction and Document Request to the extent it seeks information or documents already in the State's possession, custody, or control or in the possession, custody, or control of any of the State's officers, employees, agents, agencies or departments. Sandoz further objects to each Definition, Instruction and Document Request to the extent it requires Sandoz to search for information publicly available or to search for information or documents for which the burden of deriving or ascertaining the information or documents is substantially the same or less for the State or any of its officers, employees, agents, agencies or departments as it is for Sandoz.

10. Sandoz objects to each Definition, Instruction and Document Request to the extent it is duplicative or redundant of other Definitions, Instructions and Document Requests or other discovery requests propounded by the State. Each document that might, at the appropriate time, be produced in response to a specific Document Request is deemed to be produced in response to every other Document Request or discovery request of the State to which the written response, document or information is or may be responsive.

11. Sandoz objects to each Definition, Instruction and Document Request as unduly burdensome to the extent the use of the terms "each," "any" or "all" seeks the provision or production of all documents on a subject matter. Subject to and without waiver of this obligation, and subject to resolution of Sandoz' other objections set forth herein, Sandoz agrees that at an appropriate time it will produce non-privileged documents that are located following a

reasonable search of those Sandoz files that are most likely to contain documents or information responsive to these Document Requests.

12. Sandoz reserves the right to seek reimbursement from the State for the cost of producing electronic data and documents.

13. Sandoz objects to any implications and to any explicit or implicit characterization of facts, events, circumstances or issues in the Fifth Document Requests. Sandoz' written response or production of documents or information in connection with a particular Document Request is not intended to indicate that Sandoz agrees with any implication or any explicit or implicit characterization of facts, events, circumstances or issues in the Fifth Document Requests, or that such implications or characterizations are relevant to this action.

14. Sandoz objects to the lack of a defined time period to the extent it requires documents to be produced dated after the filing of the First Amended Complaint on November 1, 2004, or outside of the relevant statute of limitations.

15. Any documents and information produced in response to the Fifth Document Requests are for use in this litigation only and for no other purpose, and may not be shared with any non-party to this action absent express permission by and compliance with any protective or confidentiality order that may be entered by the Court in this action.

16. Sandoz objects to Plaintiff's "Definitions" to the extent that they purport to expand upon or alter Sandoz' obligations under the Wisconsin Rules of Civil Procedure and Court orders.

17. Sandoz objects to the Definitions of "you," "your," and "your company" set forth in Definitions Paragraph No. 1 as overbroad, unduly burdensome, and vague and ambiguous, and on the grounds that the Definitions as applied would impose discovery obligations beyond those

set forth in the Wisconsin Rules of Civil Procedure. Sandoz further objects that these Definitions would require Sandoz to speculate as to “all other persons acting or purporting to act on behalf of Defendants or their subsidiaries or predecessors.” Sandoz also objects to these Definitions to the extent that they extend or purport to extend to any corporate entity other than Sandoz Inc., or to the extent they include or purport to include persons other than the present officers, directors, employees, agents, attorneys or representatives of Sandoz who have knowledge of the events relevant to the instant litigation. Sandoz will only disclose information and produce documents within the possession, custody or control of Sandoz Inc.

18. Sandoz objects to the Definitions of “document” and “documents” set forth in Definitions Paragraph No. 2 to the extent that they seek to impose discovery obligations that are broader than, or inconsistent with, Sandoz’ obligations under the Wisconsin Rules of Civil Procedure. Sandoz further objects to the extent these Definitions would require Sandoz to: (a) produce multiple copies of the same document; (b) conduct an unduly burdensome search for duplicative information including, among other things, electronic databases containing overlapping information; (c) produce documents or data in a particular format; (d) convert documents or data into a particular format; (e) search for and/or produce any documents or data on back-up tapes or from locations not reasonably accessible; (f) produce any proprietary software, data, programs or databases; or (g) violate any licensing agreement, copyright laws, or proprietary rights of third parties.

19. Sandoz objects to the Definition of “spread” set forth in Definitions Paragraph No. 3 on the grounds that it is overly broad, unduly burdensome, and vague and ambiguous. Sandoz further objects to this Definition to the extent it requires Sandoz to search for information for which the burden of deriving or ascertaining the information is substantially the same or less

for the State or any of its officers, employees, agents, agencies or departments as it is for Sandoz. Sandoz also objects to this Definition to the extent it seeks to impose on Sandoz the burden to ascertain or obtain information in the possession of its customers or other nonparties to this action.

20. Sandoz objects to Plaintiff's "Instructions" to the extent that they purport to expand upon or alter Sandoz' obligations under the Wisconsin Rules of Civil Procedure and Court orders.

21. Sandoz objects to the Instruction set forth in Instructions Paragraph No. 1 to the extent that it imposes or purports to impose discovery obligations greater than, or inconsistent with, Sandoz' obligations under the Wisconsin Rules of Civil Procedure, statutes and common law, and to the extent that the State seeks discovery beyond that permitted by Wisconsin law. If Sandoz asserts the attorney-client privilege, the work-product doctrine, or any other applicable privilege or protection against disclosure, Sandoz will provide the State with a privilege log at the completion of Sandoz' search and production in response to the State's Fifth Document Requests. Any inadvertent production of any privileged or protected information or document by Sandoz shall not constitute a specific or general waiver of any privilege or protection and shall not preclude Sandoz from objecting to disclosure on any other basis. Sandoz also objects to the extent that this Instruction would require Sandoz to produce multiple copies of the same document or to conduct an unduly burdensome search for duplicative information including, among other things, electronic databases containing overlapping information.

22. Sandoz objects to the Instruction set forth in Instructions Paragraph No. 2 to the extent that it imposes or purports to impose discovery obligations greater than, or inconsistent with, Sandoz' obligations under the Wisconsin Rules of Civil Procedure and statutes, and to the

extent that the State seeks discovery beyond that permitted by Wisconsin law. Sandoz also objects to the extent that this Instruction would require Sandoz to produce multiple copies of the same document or to conduct an unduly burdensome search for duplicative information including, among other things, electronic databases containing overlapping information. In addition, Sandoz explicitly reserves its right to seek an allocation of the costs of production of any documents, including those maintained in electronic form.

23. Sandoz objects to the Instruction set forth in Instructions Paragraph No. 3 to the extent that it imposes or purports to impose discovery obligations greater than, or inconsistent with, Sandoz' obligations under the Wisconsin Rules of Civil Procedure, statutes and common law, and to the extent that the State seeks discovery beyond that permitted by Wisconsin law. If Sandoz asserts the attorney-client privilege, the work-product doctrine, or any other applicable privilege or protection against disclosure, Sandoz will provide the State a privilege log at the completion of Sandoz' search and production in response to the State's Fifth Document Requests. Any inadvertent production of any privileged or protected information or document by Sandoz shall not constitute a specific or general waiver of any privilege or protection and shall not preclude Sandoz from objecting to disclosure on any other basis.

24. Sandoz objects to the Instruction set forth in Instructions Paragraph No. 4 to the extent that it imposes or purports to impose discovery obligations greater than, or inconsistent with, Sandoz' obligations under the Wisconsin Rules of Civil Procedure, statutes and common law, and to the extent that the State seeks discovery beyond that permitted by Wisconsin law. If Sandoz asserts the attorney-client privilege, the work-product doctrine, or any other applicable privilege or protection against disclosure, Sandoz will provide the State with a privilege log at the completion of Sandoz' search and production in response to the State's Fifth Document

Requests. Any inadvertent production of any privileged or protected information or document by Sandoz shall not constitute a specific or general waiver of any privilege or protection and shall not preclude Sandoz from objecting to disclosure on any other basis.

25. Sandoz objects to the Instruction set forth in Instructions Paragraph No. 5 to the extent that it imposes or purports to impose discovery obligations greater than, or inconsistent with, Sandoz' obligations under the Wisconsin Rules of Civil Procedure, statutes and common law, and to the extent that the State seeks discovery beyond that permitted by Wisconsin law. Sandoz further objects to the Instruction set forth in Instructions Paragraph No. 5 to the extent it requires the production of documents dated after the filing of the First Amended Complaint in this action on November 1, 2004, or outside of the relevant statute of limitations.

### **SPECIFIC OBJECTIONS**

#### **Document Request No. 14**

**All documents relating to lobbying efforts of you, or any individual or entity acting on your behalf (including but not limited to third-party lobbyists or lobbyist organizations such as the Pharmaceutical Research and Manufacturers of America), with regard to:**

- (a) the Wisconsin Medicaid program's reimbursement for prescription drugs;**
- (b) other state Medicaid programs' reimbursement for prescription drugs; and**
- (c) the federal Medicare program's reimbursement for prescription drugs.**

**Documents sought by this request include, but are not limited to:**

- (a) communications with the State of Wisconsin, the Wisconsin Department of Health & Family Services, and the Wisconsin legislature (including any legislative committee or individual state legislator);**
- (b) communications with other states, other state Medicaid programs, and other state legislatures (including any legislative committee or individual state legislator);**
- (c) internal communications within your company;**

- (d) **communications between you and external third-party lobbyists or lobbyist organizations such as the Pharmaceutical Research and Manufacturers of America; and**
- (e) **documents identifying, describing, or relating to the amount of money spent on lobbying efforts regarding these issues.**

#### **Objections to Document Request No. 14**

In addition to the foregoing General Objections, Sandoz objects to Document Request No. 14 on the grounds that it is overly broad, unduly burdensome, and vague and ambiguous, particularly the phrases “lobbying efforts,” “third-party lobbyists,” “lobbyist organizations” and “these issues.” Sandoz specifically objects to subpart (e) and to the request for documents relating to other state Medicaid programs to the extent that such requests seek documents neither relevant to the subject matter of this action, relevant to a claim or defense of any party, nor reasonably calculated to lead to the discovery of admissible evidence. Sandoz further objects to this Document Request to the extent it seeks information protected from disclosure by the attorney-client privilege, the work-product doctrine, or any other applicable privilege, immunity, or protection against disclosure.

Subject to and without waiving the foregoing objections or the General Objections, Sandoz will produce non-privileged documents responsive to this Document Request to the extent that such documents exist and can be located through a reasonable search of the files likely to include such documents.

#### **Document Request No. 15**

**Documents identifying, describing, or relating to your internal code of conduct or other policy relating to the ethical standards applicable to your employees.**

### **Objections to Document Request No. 15**

In addition to the foregoing General Objections, Sandoz objects to Document Request No. 15 on the grounds that it is overly broad, unduly burdensome, vague, ambiguous, and undefined, particularly the phrases “relating to,” “internal code of conduct,” “other policy” and “ethical standards.” Sandoz also objects to this Document Request to the extent it seeks documents neither relevant to the subject matter of this action, relevant to a claim or defense of any party, nor reasonably calculated to lead to admissible evidence. Sandoz further objects to this Document Request to the extent it seeks information protected from disclosure by the attorney-client privilege, the work-product doctrine, or any other applicable privilege, immunity, or protection against disclosure.

### **Document Request No. 16**

**Documents relating to your compliance policy or other policies designed to ensure adherence to applicable statutes, regulations and requirements for pharmaceutical manufacturers in connection with the Medicare and Medicaid programs.**

### **Objections to Document Request No. 16**

In addition to the foregoing General Objections, Sandoz objects to Document Request No. 16 on the grounds that it is overly broad, unduly burdensome, and vague and ambiguous, particularly the phrases “relating to,” “compliance policy,” “other policies” and “applicable statutes, regulations and requirements for pharmaceutical manufacturers in connection with the Medicare and Medicaid programs.” Sandoz also objects to this Document Request to the extent it seeks documents neither relevant to the subject matter of this action, relevant to a claim or defense of any party, nor reasonably calculated to lead to admissible evidence. Sandoz further objects to this Document Request to the extent it seeks information

protected from disclosure by the attorney-client privilege, the work-product doctrine, or any other applicable privilege, immunity, or protection against disclosure.

Subject to and without waiving the foregoing objections or the General Objections, Sandoz will produce non-privileged documents responsive to this Document Request to the extent that such documents exist and can be located through a reasonable search of the files likely to include such documents.

### **Document Request No. 17**

**Documents relating to any policy relating to the use or promotion of, or reference to, the spread of a drug in connection with the sales or marketing of that drug including, but not limited to:**

- (a) documents that relate to or describe the policy, including consequences for violation of the policy;**
- (b) documents that identify the date that the policy was established and/or became effective;**
- (c) documents identifying, describing, or relating to the reason(s) for establishment of the policy;**
- (d) documents identifying, describing, or relating to the distribution and dissemination of the policy to your employees;**
- (e) documents identifying, describing, or relating to training provided to your employees regarding the policy; and**
- (f) documents relating to any actual or potential violations of the policy, including any investigation, determination, and action taken by your company related to any such actual or potential violation.**

### **Objections to Document Request No. 17**

See Sandoz' response to Document Request No. 1 of Plaintiff's First Set of Interrogatories and Requests for Production of Documents to Defendant Sandoz Inc., which this duplicates in its entirety.

### **Document Request No. 18**

**Documents identifying or describing the reimbursement formula for prescription drugs used by the Wisconsin Medicaid Program, including but not limited to its formula for estimating acquisition cost or its use of AWP.**

**Objections to Document Request No. 18**

In addition to the foregoing General Objections, Sandoz objects to Document Request No. 18 on the grounds that it is overly broad, unduly burdensome, and vague and ambiguous, particularly the phrase “reimbursement formula for prescription drugs.” Sandoz also objects to this Document Request to the extent it seeks documents neither relevant to the subject matter of this action, relevant to a claim or defense of any party, nor reasonably calculated to lead to admissible evidence. Sandoz also objects to this Document Request to the extent it seeks information protected from disclosure by the attorney-client privilege, the work-product doctrine, or any other applicable privilege, immunity, or protection against disclosure.

Subject to and without waiving the foregoing objections or the General Objections, Sandoz will produce non-privileged documents responsive to this Document Request to the extent that such documents exist and can be located through a reasonable search of the files likely to include such documents.

**Document Request No. 19**

**All documents relating to the National Pharmaceutical Council, including but not limited to the following:**

- (a) documents relating to your membership in the National Pharmaceutical Council;**
- (b) all correspondence between you and the National Pharmaceutical Council;**
- (c) all annual publications of the National Pharmaceutical Council entitled “Pharmaceutical Benefits Under State Medical Assistance Programs.”**

**Objections to Document Request No. 19**

In addition to the foregoing General Objections, Sandoz objects to Document Request No. 19 on the grounds that it is overly broad, unduly burdensome, and vague and ambiguous, particularly the phrases “documents relating to the National Pharmaceutical Council,” “membership,” “correspondence” and “annual publications.” Sandoz further objects to this Document Request to the extent it seeks “all documents relating to the National Pharmaceutical Council,” regardless of subject matter, on the grounds that it seeks documents neither relevant to the subject matter of this action, relevant to a claim or defense of any party, nor reasonably calculated to lead to admissible evidence. Sandoz further objects to this Document Request to the extent it seeks information protected from disclosure by the attorney-client privilege, the work-product doctrine, or any other applicable privilege, immunity, or protection against disclosure.

DATED: July 27, 2007.

WHITE & CASE LLP



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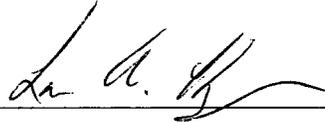
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**CERTIFICATE OF SERVICE**

I hereby certify that on July 27, 2007, I caused a true and correct copy of DEFENDANT SANDOZ INC.'S RESPONSES AND OBJECTIONS TO PLAINTIFF STATE OF WISCONSIN'S FIFTH SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS TO ALL DEFENDANTS to be served on all counsel of record by electronic service, by sending a copy to LexisNexis File & Serve for posting and notification to all parties.



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Lara A. Berwanger