
STATE OF WISCONSIN,)	
)	
Plaintiff,)	Case No.: 04-CV-1709
)	
v.)	
)	
ABBOTT LABORATORIES, et al.,)	
)	
Defendants.)	
)	

DEFENDANTS WATSON PHARMACEUTICALS, INC. AND WATSON PHARMA, INC.’S OBJECTIONS AND RESPONSES TO PLAINTIFF STATE OF WISCONSIN’S EIGHTH SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS TO ALL DEFENDANTS

Pursuant to Wis. Stat. § 804.09, defendants Watson Pharmaceuticals, Inc. and Watson Pharma, Inc. (“Watson”), by their attorneys, object and respond to Plaintiff’s Eighth Set of Requests for Production of Documents to All Defendants (“Requests”) as follows:

PRELIMINARY STATEMENT

1. The objections and responses provided herein are for use in this action and for no other purpose and are provided subject to that limitation.

2. Watson’s responses are made without in any way waiving or intending to waive:
 - (i) any objections as to the competency, relevancy, materiality, propriety, privilege, or admissibility as evidence, for any purpose, of any information or documents produced in response to the Requests; (ii) the right to object on any ground to the use of the information or documents produced in response to the Requests at any hearings or at trial; (iii) the right to object on any ground at any time to a demand for further responses to the Requests; or (iv) the

right at any time to revise, correct, add to, supplement, or clarify any of the responses contained herein.

3. Watson's responses and objections shall not be deemed to constitute admissions:
 - a. that any particular document or thing exists, is relevant, non-privileged, or admissible in evidence; or
 - b. that any statement or characterization in the Requests is accurate or complete.

4. Watson's responses are made based upon reasonable and diligent investigation conducted to date. Discovery and investigation in this matter are ongoing and Watson reserves the right to amend its responses and to raise any additional objections it may have in the future. These responses are made based upon the typical or usual interpretation of words contained in the Requests, unless a specific definition or instruction has been provided and/or agreed upon.

5. To the extent Watson's responses to the Requests contain information subject to the Protective Order entered on November 29, 2005 in this matter, they must be treated accordingly.

GENERAL OBJECTIONS

Watson objects generally to the Requests as follows:

1. Watson objects to Plaintiff's "Definitions" and "Instructions" to the extent Plaintiff intends to expand upon or alter Watson's obligations under the Wisconsin Rules of Civil Procedure. Watson will comply with applicable rules of civil procedure in providing its responses and objections to the Requests.

2. Watson objects to the definition of "Documents" on the grounds that it is vague and ambiguous and to the extent that it seeks to impose obligations beyond those imposed by the applicable Wisconsin Rules of Civil Procedure. Watson further objects to this definition to the extent that it purports to require Watson to identify or produce documents or data in a particular

form or format, to convert documents or data into a particular file format, to produce documents or data on any particular media, to search for and/or produce or identify documents or data on back-up tapes, to produce any proprietary software, data, programs or databases, to violate any licensing agreement or copyright laws, or to produce data, fields, records, or reports about produced documents or data. The production of any documents or data or the provision of other information by Watson as an accommodation to Plaintiff shall not be deemed to constitute a waiver of this objection.

3. Watson objects to each Request to the extent it purports to be directed not only to Watson, but also to its corporate parents, subsidiaries, affiliates, or other entities other than Watson on the grounds that such an expansive scope is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Watson will conduct a reasonable search for responsive documents but does not undertake any responsibility to search for documents in the possession of other persons or separate corporate entities, which are not in Watson's possession, custody or control.

4. Watson objects to the extent that any Request seeks information that is protected from disclosure by the work product doctrine, the attorney-client, accountant-client, consulting expert, or investigative privileges, by any common interest or joint defense agreement, or by any other applicable privilege or protection. To the extent that any such protected documents or information are inadvertently produced in response to these Requests, the production of such documents or information shall not constitute a waiver of Watson's right to assert the applicability of any privilege or immunity to the documents or information.

5. Watson objects to each Request to the extent that it calls for the identification or production of documents or information not relevant to the issues in this action nor reasonably

calculated to lead to the discovery of admissible evidence, or is overly broad, unduly burdensome, ambiguous, or vague.

6. Watson objects to each Request to the extent that it calls for production of documents or information not within its possession, custody, or control or that are more appropriately sought from third parties to whom Requests have been or may be directed. In responding to these Requests, Watson has undertaken or will undertake a diligent and reasonable search of documents and information within Watson's current possession, custody, or control. Watson objects to the Requests to the extent they seek documents other than those that can be located upon a search of files where such documents reasonably can be expected to be found.

7. Watson objects to each Request to the extent that it calls for information that is confidential, proprietary, and/or a trade secret of a third party. Any such materials produced will be subject to the Protective Order entered in this action.

8. Watson objects to the Requests to the extent that they purport to require Watson to provide a compilation, abstract, audit, and/or other document summary that does not currently exist.

9. Watson objects to any implications and to any explicit or implicit characterization of facts, events, circumstances, or issues in these Requests. Watson's response that it will produce documents in connection with a particular Request is not intended to indicate that Watson agrees with any implication or any explicit or implicit characterization of facts, events, circumstances, or issues in the Requests or that such implications or characterizations are relevant to this action.

10. Watson objects to the definition of the time period covered by the Requests to the extent it encompasses any time period after June 3, 2004, the date Plaintiff filed its original

Complaint in this case or is outside the statute of limitations applicable to the claims in the action. The production of any documents or the provision of any other information by Watson that pre-dates or post-dates the relevant time period shall not be deemed to constitute a waiver of this objection.

11. Watson objects to the Requests to the extent they are not limited to the Watson drugs at issue in this action.

12. Watson objects to each Request to the extent it purports to be directed not only to Watson, but also to its corporate parents, subsidiaries, affiliates, or other entities other than Watson on the grounds that such an expansive scope is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

13. Watson expressly incorporates the above General Objections into each specific response to the Requests set forth below as if set forth in full therein. The response to a Request shall not operate as a waiver of any applicable specific or general objection to the Request.

RESPONSES TO SPECIFIC REQUESTS

REQUEST FOR PRODUCTION NO. 23: Attached hereto as Exh. 1 is a copy of a blank form entitled “HDMA Standard Product Information Pharmaceutical Products.” Please produce all such forms that you have completed (as to any or all of the information on such forms) for any of your drugs from January 1, 1991 to the present as well as all documents that identify each person or entity, if any (including but not limited to Cardinal Health, McKesson Corporation, or Amerisource Bergen Corporation, or any of their predecessor entities), to whom you sent or provided any such forms and the dates that you sent or provided such forms to any such person or entity.

RESPONSE TO REQUEST NO. 23: Watson incorporates herein by reference its General Objections. In addition, Watson objects to this Request for Production (“RPD”) on the grounds that it is duplicative of requests for production previously propounded by the Plaintiffs and to which Watson has already responded. Watson also objects to this RPD to the extent that it

purports to require Watson to produce documents concerning products manufactured and distributed by Watson that are not among the products at issue in this action.

Without waiving and subject to its General and Specific Objections, Watson responds that all non-privileged documents in its possession, custody or control that could be located after reasonable search, which are responsive to this request and relate to the Watson drugs at issue in this case have been or will be produced.

REQUEST FOR PRODUCTION NO. 24: Any documents reflecting communications with drug wholesalers (including but not limited to Cardinal Health, McKesson Corporation, or Amerisource Bergen Corporation, or any of their predecessor entities) relating to: (1) AWP, SWP, WAC, MAC, FUL, or direct price; or (b) any pricing compendia including but not limited to First DataBank, Medispan, and Red Book.

RESPONSE TO RPD NO. 24: Watson incorporates herein by reference its General Objections.

In addition, Watson objects to this RPD on the grounds that it is duplicative of requests for production previously propounded by the Plaintiffs and to which Watson has already responded. Watson further objects to this RPD on the grounds that the undefined terms and phrases “AWP,” “SWP,” “WAC,” “MAC,” “FUL,” “direct price ”and“ pricing compendia” are vague and ambiguous. Watson also objects to this RPD to the extent that it purports to require Watson to produce documents concerning products manufactured and distributed by Watson that are not among the products at issue in this action.

Without waiving and subject to its General and Specific Objections, Watson responds that all non-privileged documents in its possession, custody or control that could be located after reasonable search, which are responsive to this request and relate to the Watson drugs at issue in this case have been or will be produced.

REQUEST FOR PRODUCTION NO. 25: Documents relating to any contract or agreement with any health-care provider (including but not limited to retail pharmacies (chain or independent), doctors, or long-term care facilities) to share in the profits earned by such provider in connection with the provider’s sale or dispensing of any of your prescription drugs.

RESPONSE TO RPD NO. 25: Watson incorporates herein by reference its General Objections.

In addition, Watson objects to this RPD on the grounds that it is duplicative of requests for production previously propounded by the Plaintiffs and to which Watson has already responded.

Watson also objects to this RPD to the extent that it purports to require Watson to produce documents concerning products manufactured and distributed by Watson that are not among the products at issue in this action.

Without waiving and subject to its General and Specific Objections, Watson responds that all non-privileged documents in its possession, custody or control that could be located after reasonable search, which are responsive to this request and relate to the Watson drugs at issue in this case have been or will be produced.

Dated: August 21, 2008

GASS WEBER MULLINS LLC
Attorneys for Watson Pharmaceuticals, Inc.
and Watson Pharma, Inc.

s/Daniel S. Elger

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Certificate of Service

I hereby certify that on this 21st day of August 2008, a true and correct copy of DEFENDANTS WATSON PHARMACEUTICALS, INC. AND WATSON PHARMA, INC.'S OBJECTIONS AND RESPONSES TO PLAINTIFF STATE OF WISCONSIN'S EIGHTH SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS TO ALL DEFENDANTS was served on all counsel of record by Lexis Nexis File & Serve®.

s/Daniel S. Elger_____