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

**RESPONSES AND OBJECTIONS OF AVENTIS BEHRING LLC,
N/K/A ZLB BEHRING LLC, TO
PLAINTIFF STATE OF WISCONSIN'S SIXTH SET OF REQUESTS
FOR PRODUCTION OF DOCUMENTS TO ALL DEFENDANTS**

Pursuant to Wis. Stat. §§ 804.01 and 804.09, defendant Aventis Behring LLC, n/k/a ZLB Behring LLC ("Behring"), by its attorneys, objects and responds to Plaintiff's Sixth Set for Requests for Production of Documents to All Defendants ("Requests") as follows:

PRELIMINARY STATEMENT

1. These responses and objections are made solely for the purposes of this action. By responding to these Requests, Behring does not waive or intend to waive: (a) any objections as to the competency, relevancy, materiality, privilege, status, or admissibility as evidence, for any purpose, of any documents or information; (b) the right to object on any ground to the use of documents or information at any deposition, hearing, trial or other proceeding, or in any pleading or submission; or (c)

the right to object on any ground at any time to a demand for further responses to these Requests.

2. Behring's responses and objections shall not be deemed to constitute admissions that (a) 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.

3. Behring's responses are made based upon reasonable investigation conducted to date. Discovery and investigation in this matter are ongoing and Behring 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.

4. Behring's responses to the Requests contain information subject to the Protective Order entered on November 29, 2005 in this matter and must be treated accordingly.

GENERAL OBJECTIONS

Behring objects generally to the Requests as follows:

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

2. Behring objects to each Request to the extent that it overly broad,

unduly burdensome, ambiguous, vague, or calls for the identification or production of documents or information not relevant to the issues in this action and not reasonably calculated to lead to the discovery of admissible evidence.

3. Behring 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. Behring further objects to this definition to the extent that it purports to require Behring 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 Behring as an accommodation to Plaintiff shall not be deemed to constitute a waiver of this objection.

4. Behring 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 Behring's right to assert the applicability of any privilege or immunity to the documents or information, and Behring demands that any such document or information be returned to Behring's counsel immediately upon discovery thereof. Behring agrees to prepare and provide Plaintiff with a listing or log of documents withheld on the grounds of privilege at the conclusion of its final production.

5. Behring objects to each Request to the extent that it calls for production of documents or information not within its possession, custody, or control.

6. Behring objects to Plaintiff's Requests to the extent they call for information that is confidential, proprietary, and/or a trade secret of a third-party or is protected from disclosure by an agreement with a third-party.

7. Behring objects to Plaintiff's Requests to the extent they seek disclosure of information that is a matter of public record, is equally available to the Plaintiff, or is already in the possession of the Plaintiff.

8. Behring objects to the definition of the time period covered by the Requests to the extent it encompasses any time period outside the period relevant to this litigation.

9. Behring 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.

RESPONSES TO SPECIFIC 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.

RESPONSE TO REQUEST NO. 20: In addition to the General Objections set forth above, Behring objects to this Request on the grounds that it is overly broad and seeks documents that are neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence, and that are outside the scope of permissible discovery. Behring also specifically objects to this Request to the extent it seeks documents not relevant to the State’s claims, which are limited to Wisconsin. Behring further objects to this Request to the extent it seeks proprietary, commercially sensitive, or confidential documents or information.

Notwithstanding the foregoing General and Specific Objections, and without waiving them, Behring responds to Document Request No. 20 that based upon a reasonable search, Behring does not have documents responsive to this Request because it does not participate in the Together Rx program.

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.

RESPONSE TO REQUEST NO. 21: In addition to the General Objections set forth above, Behring objects to this Request on the grounds that it is overly broad and seeks documents that are neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence, and that are outside the scope of permissible discovery. Behring also

specifically objects to this Request to the extent it seeks documents not relevant to the State's claims, which are limited to Wisconsin. Behring further objects on the grounds that the phrases and terms "any program of yours that provides, or is marketed as providing," "a discount or savings," and "consumers" are vague, ambiguous, and undefined. Behring also objects to this Request to the extent it seeks documents relating to programs that "provide, or [are] marketed as providing, a discount or savings to" consumers of Behring's products because such documents are neither relevant to the subject matter involved in the pending action, nor likely to lead to the discovery of admissible evidence. Finally, Behring objects to this Request to the extent it seeks proprietary, commercially sensitive, or confidential documents or information.

Notwithstanding the foregoing General and Specific Objections, and without waiving them, Behring responds that based upon a reasonable search with respect to the relevant period of time, Behring is not presently aware of documents responsive to this Request.

Dated: February 13, 2008

By: /s/ Clifford Joe Cavitt
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Certificate of Service

I certify that on February 13, 2008 a true and correct copy of the foregoing was served on all counsel of record by Lexis Nexis File & Serve®.

/s/ Clifford Joe Cavitt