

STATE OF WISCONSIN,

Plaintiff,

v.

ABBOTT LABORATORIES, INC., et. al.,

Defendants.

Case No.: 04 CV 1709

**AMGEN INC.'S FIRST INDIVIDUAL SET OF INTERROGATORIES AND  
REQUESTS FOR PRODUCTION DIRECTED TO PLAINTIFF**

Pursuant to Wis. Stat. §§ 804.08 and 804.09, defendant Amgen Inc.

("Amgen") requests that the State of Wisconsin ("Plaintiff") respond to the following Interrogatories and Requests for Production (the "Requests") no later than 30 days from date of service.

**DEFINITIONS**

1. The term "And" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the request any information that might otherwise be construed to be outside its scope.
2. "AWP" or "Average Wholesale Price" means any figure so categorized and periodically published by one or more pharmaceutical industry compendia, including the Drug Topics Red Book (the "Red Book"), American Druggist First Databank Annual Directory of Pharmaceuticals ("First DataBank" or "Blue Book") and Medi-Span's Master Drug Database ("Medi-Span").
3. The term "Communication" means any form of written or oral communication, including, without limitation, letters, memoranda, electronic mail,

voicemail, telegrams, invoices, telephone conversations, face-to-face meetings, and other similar forms of communication or correspondence.

4. The term "Document" means the original and each non-identical copy of a document in any medium, including electronic form, whether or not it was communicated to any person other than the author, including but not limited to, writings, printouts, printings, photographs, photocopies, tapes, recordings, video recordings, electronic data, e-mails, and any other symbolic representations in your possession, custody or control or known or believed by you to exist.

5. "Identify" when used in reference to a document, means to provide, to the extent known, information about (i) the type of document; (ii) its general subject matter; (iii) the date of the document; (iv) its author(s); and (v) each addressee.

6. "Identify" when used in reference to a person, means to provide, to the extent known, (i) the person or entity's full name; (ii) present or last known address; (iii) phone number; and (iv) the present or last known place of employment.

7. "Person" means any natural person or any business, legal or governmental entity or association.

8. "Publisher" or "pricing compendia" means any pharmaceutical data publishing service, including but not limited to Red Book, First DataBank, Blue Book and Medi-Span.

9. "Refer," "relate," and "relating to" means in any way consisting of or containing, showing, evidencing, relating or referring in any way, directly or indirectly, to, and is meant to include, among other documents, documents underlying, characterizing, supporting, now or previously attached or appended to, or used in the preparation of any document called for by each request.

10. "WAC" or "Wholesale Acquisition Cost" means any price represented by any Defendant as a price to any entity that purchases pharmaceutical products from a Manufacturer and resells such pharmaceutical products to any other Person and/or Provider, or any price periodically published as WAC by a Publisher, or WAC as used by you in the Complaint or any amendment thereto.

11. "Wisconsin," "you" or "your" means the State of Wisconsin, including but not limited to the office of the Department of Health and Family Services, the Department of Administration, the Governor's Office, the Legislative and Fiscal Bureau, the Joint Committee on Finance, the Legislative Audit Bureau, the Legislative Reference Bureau, and any other Wisconsin agencies and programs.

### **INSTRUCTIONS**

1. Unless otherwise specifically stated, the requests below refer to the time period of January 1, 1992 to the present.

2. Each request for production of documents extends to all documents in your possession, custody or control or that of anyone acting on your behalf. A document is to be deemed in your possession, custody or control if it is in your physical custody, or if it is in the physical custody of any other person and you (a) own such document in whole or in part; (b) have a right, by contract, statute or otherwise, to use, inspect, examine or copy such document on any terms; (c) have an understanding, express or implied, that you may use, inspect, examine or copy such document on any terms; or (d) have, as a practical matter, been able to use, inspect, examine or copy such document when you sought to do so.

3. If production is requested of a document that is no longer in your possession, custody or control, your response should state when the document was most recently in your possession, custody or control, how the document was disposed of and the

identity of the person, if any, presently in possession, custody or control of such document.  
If the document has been destroyed, state the reason for its destruction.

4. Provide the following information for each document withheld or redacted on the grounds of privilege:

- (a) its date;
- (b) its title;
- (c) its author;
- (d) its addressee;
- (e) the specific privilege under which it is withheld;
- (f) its general subject matter; and
- (g) a description of the document that is adequate to support your contention that it is privileged.

5. Pursuant to the Wisconsin Rules of Civil Procedure, these requests for documents are continuing in nature so as to require, whenever necessary, continuing production and supplementation of responses between the initial date for production set forth above and the end of trial.

6. To the extent that you consider any of the following requests for production of documents objectionable, please respond to the remainder of the production request, and separately state the part of each request to which you object and each ground for objection.

### **INTERROGATORIES**

#### **INTERROGATORY NO. 1:**

Identify each fact that supports each allegation against Amgen contained in your Second Amended Complaint.

**INTERROGATORY NO. 2**

Identify each document that supports each such fact identified in response to Interrogatory No. 1

**INTERROGATORY NO. 3:**

Identify any and all damages you claim to have arisen from the allegations against Amgen contained in your Second Amended Complaint, and explain your methodology in calculating these alleged damages for each Amgen product.

**INTERROGATORY NO. 4:**

Identify all communications that you had with Amgen, including but not limited to communications relating to pricing or reimbursement for any of its products, rebates and formulary or preferred status.

**INTERROGATORY NO. 5:**

Identify where, if anywhere, you defined AWP or WAC, and how they were defined.

**REQUESTS FOR PRODUCTION OF DOCUMENTS**

**REQUEST NO. 1:**

All documents identified in response to Interrogatory No. 2 above.

**REQUEST NO. 2:**

All documents, including correspondence, relating to any communications that you had with Amgen relating to pricing or reimbursement for any of its products.

**REQUEST NO. 3:**

All documents identified in response to Interrogatory No. 5 above.

Dated: June 13, 2007

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*Attorneys for Amgen Inc.*

**Certificate of Service**

I, Jennifer A. Walker, hereby certify that on this 13th day of June, 2007, a true and correct copy of the foregoing was served on all counsel of record by Lexis Nexis File & Serve®.

/s/ Jennifer Walker  
Jennifer A. Walker