

**Brian E. Butler**

bbutler@staffordlaw.com  
608.259.2609

December 14, 2006

BY U.S. MAIL and LexisNexis File & Serve

Mr. Robert S. Libman  
Miner Barnhill & Galland, P.C.  
44 East Mifflin Street, Suite 803  
Madison, WI 53703

Re: State of Wisconsin v. Abbott Laboratories, et al.  
Dane County, Wisconsin Case No. 04-CV-1709

Dear Bob:

Enclosed please find AstraZeneca's Answers and Objections to Plaintiff's Second Set of Interrogatories to All Plaintiffs.

Very truly yours,



Brian E. Butler

BEB:pcl

Enclosure

cc: (All w/Enclosure)  
Kristi Prinzo  
All Counsel of Record (by LexisNexis File & Serve)

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

---

STATE OF WISCONSIN,	)	
	)	
Plaintiff,	)	Case No.: 06-C-0582-C
	)	
v.	)	
	)	
AMGEN INC., et. al.,	)	
	)	
Defendants.	)	

---

**ASTRAZENECA PHARMACEUTICALS LP'S AND ASTRAZENECA LP'S ANSWERS  
AND OBJECTIONS TO PLAINTIFF'S  
SECOND SET OF INTERROGATORIES TO ALL DEFENDANTS**

Defendant AstraZeneca Pharmaceuticals LP and AstraZeneca LP (“AstraZeneca”), by its attorneys, objects and responds to Plaintiff’s Second Set of Interrogatories as follows:

**PRELIMINARY STATEMENT**

1. These answers and objections are made solely for the purposes of this action and for no other purpose and are supplied subject to that limitation. Each answer is subject to all objections as to competence, relevance, materiality, propriety, and admissibility, and to any and all other objections on any grounds that would require the exclusion of any statements contained herein if such Interrogatories were asked of, or statements contained herein were made by, a witness present and testifying in Court, all of which objections and grounds are expressly reserved and may be interposed at the time of trial.

2. AstraZeneca’s answers 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 Plaintiff’s Second Set of Interrogatories is accurate or complete.

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

4. AstraZeneca's answers to Plaintiff's Second Set of Interrogatories contain information subject to the Protective Order in this matter and must be treated accordingly.

5. AstraZeneca's responses to Plaintiff's Second Set of Interrogatories are submitted without prejudice to AstraZeneca's right to produce evidence of any subsequently discovered fact. AstraZeneca accordingly reserves its right to provide further responses and answers as additional facts are ascertained.

#### **GENERAL OBJECTIONS**

AstraZeneca objects generally to Plaintiff's Second Set of Interrogatories as follows:

1. AstraZeneca objects to Plaintiff's "Definitions" to the extent Plaintiff intends to expand upon or alter AstraZeneca's obligations under the Federal Rules of Civil Procedure, the Court's Local Rules, and, to the extent applicable, the Wisconsin Statutes, in responding to the Interrogatories. AstraZeneca will comply with applicable rules of civil procedure in providing its answers to Plaintiff's Second Set of Interrogatories.

2. AstraZeneca objects to each Interrogatory to the extent that it 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. AstraZeneca objects to Plaintiff's definition of "Average Manufacturer Price" or "AMP" to the extent that it is not properly linked to specific AstraZeneca drugs and the specific calculations for any such drug.

4. AstraZeneca objects to Plaintiff's definition of "Defined Period of Time" on the grounds that the phrase as defined is overbroad and burdensome, and purports to require the production of documents or information that are neither relevant to the subject matter of this litigation nor reasonably calculated to lead to the discovery of admissible evidence. AstraZeneca further objects to this definition to the extent it seeks documents or information from outside the statute of limitations applicable to the claims in this litigation, or beyond the time period relevant to this litigation.

5. AstraZeneca objects to the extent that any Interrogatory 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 information is inadvertently produced in response to the Interrogatories, the production of such information shall not constitute a waiver of AstraZeneca's right to assert the applicability of any privilege or immunity to the information.

6. AstraZeneca objects to each Interrogatory to the extent that it calls for information not within its possession, custody or control. In responding to these Interrogatories, AstraZeneca has undertaken or will undertake a diligent and reasonable search of documents and information within AstraZeneca's current possession, custody or control.

7. AstraZeneca objects to each Interrogatory to the extent that it calls for information that is confidential, proprietary, and/or a trade secret of a third party.

8. AstraZeneca objects to each Interrogatory to the extent that it seeks 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.

9. AstraZeneca expressly incorporates the above General Objections into each specific answer to the Interrogatories set forth below as if set forth in full therein. The answer to an Interrogatory shall not operate as a waiver of any applicable specific or general objection.

### **ANSWERS TO INTERROGATORIES**

#### **INTERROGATORY NO. 6:**

Do you contend that during the Defined Period of Time the State of Wisconsin was not prohibited by federal law from determining, and could have determined, the AMPs of the targeted drugs based on the Unit Rebate Amount for such drugs provided to the State by the federal government pursuant to the Medicaid rebate statute, 42 U.S.C. § 1396r-8?

**ANSWER:** AstraZeneca objects to Interrogatory No. 6 on the grounds that it is vague, ambiguous, calls for a legal conclusion, and is not reasonably calculated to lead to the discovery of admissible evidence.

Notwithstanding AstraZeneca's general and specific objections, and without waiving them, AstraZeneca states that federal law does not prohibit, and did not prohibit during the Defined Period of Time, the State of Wisconsin from estimating or determining AMP. Moreover, it is possible that for some drugs the State can derive, and could have derived during the Defined Period of Time, the AMP from the Unit Rebate Amount. Alternatively, the State can require or request, and could have required or requested during the Defined Period of Time, the submission of AMP data directly from prescription drug manufacturers. For example, states such as New Mexico, Maine, Pennsylvania, and Texas all require prescription drug manufacturers to submit AMP data.

**INTERROGATORY NO. 7:**

If the answer to Interrogatory No. 1 [sic] is anything other than an unqualified “no,”;

- a. state all bases for such contention, and
- b. identify all documents that support such contention.

**ANSWER:** AstraZeneca objects to Interrogatory No. 7 on the grounds that it is vague, ambiguous, overbroad, burdensome, and is not reasonably calculated to lead to the discovery of admissible evidence. AstraZeneca further objects to this Interrogatory to the extent it seeks information that is publicly available to the Plaintiff.

Notwithstanding AstraZeneca’s general and specific objections, and without waiving them, AstraZeneca incorporates by reference its answer to Interrogatory No. 6, and further states that 42 U.S.C. § 1396r-8 and the state Medicaid statutes and regulations for those states that require manufacturers to submit AMP data provide support for AstraZeneca’s answer to Interrogatory No. 6.

December 14, 2006

AS TO OBJECTIONS:



---

Of Counsel:

D. Scott Wise  
Michael S. Flynn  
Kimberley D. Harris  
Kristi T. Prinzo  
Davis Polk & Wardwell  
450 Lexington Avenue  
New York, NY 10017  
Tel: (212) 450-4000  
Fax: (212) 450-3800

Brian E. Butler  
State Bar No. 1011871  
Barbara A. Neider  
State Bar No. 1006157  
Stafford Rosenbaum LLP  
222 West Washington Avenue, Suite 900  
P.O. Box 1784  
Madison, Wisconsin 53701-1784  
Tel: (608) 259-2609  
Fax: (608) 259-2600

*Attorneys for Defendants  
AstraZeneca Pharmaceuticals LP and  
AstraZeneca LP*

**VERIFICATION**

I, Stuart Fullerton, am Senior Litigation Counsel for AstraZeneca Pharmaceuticals LP. I have been authorized by AstraZeneca Pharmaceuticals LP and AstraZeneca LP to provide this verification on their behalf. I have reviewed the above Interrogatory answers, which were prepared in reliance on information from officers, agents, employees and/or records of AstraZeneca Pharmaceuticals LP and AstraZeneca LP. The answers are true and correct to the best of my knowledge, information and belief.

  
\_\_\_\_\_  
Stuart Fullerton

Subscribed and sworn to before me  
this 8<sup>th</sup> day of December, 2006.



Notary Public, State of Delaware

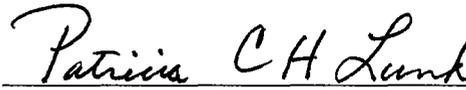
My Commission Expires:

PAULETTE L. HENDRIX  
NOTARY PUBLIC  
STATE OF DELAWARE  
My Commission Expires March 10, 2010

*CERTIFICATE OF SERVICE*

I hereby certify that on this 14<sup>th</sup> day of December, 2006, the original document, Astrazeneca Pharmaceuticals LP's and Astrazeneca LP's Answers and Objections to Plaintiff's Second Set of Interrogatories to All Defendants, was served upon the following party by U.S. Mail and by LexisNexis File & Serve:

Robert S. Libman  
Miner, Barnhill & Galland, P.C.  
44 East Mifflin Street  
Madison, WI 53703



---

Patricia C. H. Lund  
Legal Assistant

STAFFORD ROSENBAUM LLP  
P.O. Box 1784  
Madison, WI 53701-1784