
STATE OF WISCONSIN,

Plaintiff,

v.

Case No.: 04-CV-1709

AMGEN INC., et. al.,

Defendants.

**AVENTIS PHARMACEUTICALS INC.'S ANSWERS AND OBJECTIONS TO
PLAINTIFF'S FOURTH SET OF INTERROGATORIES TO ALL DEFENDANTS**

Pursuant to Wis. Stat. §804.08, defendant Aventis Pharmaceuticals Inc. ("Aventis"), by its attorneys, answers and objects to Plaintiff's Fourth Set of Interrogatories to All Defendants ("Plaintiff's Interrogatory") as follows:

PRELIMINARY STATEMENT

1. Aventis's answer and objections are made solely for the purposes of this action. Aventis's 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 Interrogatory was 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. Aventis's answer 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 Interrogatory is accurate or complete.

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

4. Aventis's answer to Plaintiff's Interrogatory contains information subject to the Protective Order in this matter and must be treated accordingly.

5. Aventis is responding on its own behalf, and not on behalf of any subsidiary or company which has been named as a separate defendant in these proceedings and is separately represented by counsel.

6. Aventis's answer to Plaintiff's Interrogatory is submitted without prejudice to Aventis's right to produce evidence of any subsequently discovered fact. Aventis accordingly reserves its right to provide further objections and answers as additional facts are ascertained.

GENERAL OBJECTIONS

Aventis objects generally to Plaintiff's Interrogatory as follows:

1. Aventis objects to Plaintiff's "Definitions" to the extent Plaintiff intends to expand upon or alter Aventis's obligations under the Wisconsin Rules of Procedure, in responding to Plaintiff's Interrogatory. Aventis will comply with Wisconsin Rules of Civil Procedure in providing its answer to Plaintiff's Interrogatory.

2. Aventis objects to the definition of the word "Document(s)" on the grounds that it is vague and ambiguous and to the extent that it seeks to impose obligations beyond those imposed by the Wisconsin Rules of Civil Procedure. Aventis further objects to this definition to

the extent that it purports to require Aventis 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 Aventis as an accommodation to Plaintiff shall not be deemed to constitute a waiver of this objection.

3. Aventis objects to Plaintiff's Interrogatory to the extent it calls for information not relevant to the issues in this action or not reasonably calculated to lead to the discovery of admissible evidence.

4. Aventis objects to Plaintiff's Interrogatory to the extent it seeks information that is protected from disclosure by the work product doctrine, the attorney-client, accountant-client, consulting expert, or investigative privileges, any common interest or joint defense agreement, or any other applicable privilege or protection.

5. Aventis objects to Plaintiff's Interrogatory to the extent it calls for information not within Aventis's possession, custody or control. In responding to Plaintiff's Interrogatory, Aventis has undertaken or will undertake a reasonably diligent and reasonable search of documents and information within Aventis's current possession, custody or control.

6. Aventis objects to Plaintiff's Interrogatory to the extent it calls 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. Aventis objects to Plaintiff's Interrogatory to the extent 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.

8. Aventis expressly incorporates the above General Objections in its answer to Plaintiff's Interrogatory set forth below as if set forth in full therein. An answer to Plaintiff's Interrogatory shall not operate as a waiver of any applicable specific or general objection.

ANSWERS AND OBJECTION TO INTERROGATORY

INTERROGATORY NO. 12: With respect to the facts which you identify in response to interrogatories No. 6 and No. 8 identify each person having knowledge of each of these facts and identify which fact each person has knowledge of, and state the present business title, business address and home address of each such person.

RESPONSE TO INTERROGATORY NO 12: Aventis incorporates by reference herein its objections and responses to Interrogatories Nos. 6 and 8. Aventis further objects to Interrogatory No. 12 on the grounds that it is overly broad and unduly burdensome and to the extent it seeks information protected by the attorney-client privilege and work-product doctrine. Aventis also objects to this Interrogatory because Aventis has not yet fully identified all individuals who may have knowledge of all of the facts that support Aventis's denials and Affirmative Defenses since discovery and investigation remain ongoing.

Notwithstanding Aventis's general and specific objections, and without waiving them, Aventis agrees to produce business records, in a manner to be negotiated and agreed upon between the parties, from which the answer to Interrogatory No. 12 may be obtained. Aventis expressly reserves the right to supplement this Interrogatory Answer in the future.

Dated this 19th day of March, 2007.

Respectfully submitted,

By: /s/ Clifford Joe Cavitt

Stephen P. Hurley, Esq.

State Bar No. 1015654

Clifford Joe Cavitt, Esq.

State Bar No. 1038348

HURLEY, BURISH & STANTON, S.C.

10 E. Doty Street, Suite 320

Madison, WI 53703

(608) 257-0945 (Office)

(608) 257-5764 (Fax)

Michael L. Koon, Esq.

Joseph G. Matye, Esq.

Tiffany W. Killoren, Esq.

SHOOK, HARDY & BACON, LLP

2555 Grand Boulevard

(816) 474-6550 (office)

(816) 421-5547 (fax)

ATTORNEYS FOR DEFENDANTS
AVENTIS PHARMACEUTICALS INC.

