

IN THE CIRCUIT COURT OF DANE COUNTY

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STATE OF WISCONSIN,	:
	:
Plaintiff,	:
	:
v.	: Case No. 04 CV 1709
	:
ABBOTT LABORATORIES, ET AL.	:
	:
Defendants	:
	:
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**Defendant Aventis Pharmaceuticals Inc.’s  
First Set of Interrogatories Directed to Plaintiff**

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Pursuant to Chapter 804 of the Wisconsin Statutes, Defendant Aventis Pharmaceuticals Inc. (“Aventis”) requests the State of Wisconsin (“Plaintiff”) respond to the following Interrogatories no later than 30 days from date of service. In addition to Defendants’ Second Set of Interrogatories, Aventis submits these Aventis-specific Interrogatories.

**DEFINITIONS**

Defendant Aventis hereby incorporates the definitions contained in Defendants’ Second Set of Requests for Production of Documents and Interrogatories Directed to Plaintiff, served on February 20, 2006. In addition, the following terms used in these Interrogatories are defined as follows:

1.       **“Aventis”** means Aventis Pharmaceuticals Inc. and its predecessors in interest, including but not limited to, Hoechst Marion Roussel, Inc. and Rhône-Poulenc Rorer Inc. and, where appropriate, each of their respective employees, officers, representatives, and agents.

2. “**Subject Drugs**” means any Aventis drug for which the State of Wisconsin seeks damages: (a) for its own expenditures under its state-administered medical assistance programs; (b) for copayments paid by Medicare Part B beneficiaries in Wisconsin; and/or (c) for expenditures made by third party payors.

### **INSTRUCTIONS**

Defendant Aventis hereby incorporates the General Instructions outlined in Defendants’ Second Set of Interrogatories Directed to Plaintiff.

### **INTERROGATORIES**

**INTERROGATORY NO. 1:** Identify each individual with knowledge relating to the State’s claim that the WACs and AWP’s published by Pricing Compendia for the Subject Drugs were “false and inflated” and “deceptive” as alleged in the First Amended Complaint.

**INTERROGATORY NO. 2:** For each Subject Drug, by NDC, provide:

- a. the AWP, by Medicaid unit, that the State alleges *should* have been published for each year for which the State seeks damages “but for” the “false,” “inflated” and “deceptive” WACs and AWP’s;
- b. the methodology by which the AWP’s set forth in response to (a) were calculated; and
- c. the identity of all documents and individuals knowledgeable about the methodology identified in response to (b).

**INTERROGATORY NO. 3:** For each Subject Drug, by NDC, for which the State claims it overpaid under its Medical Assistance Programs, provide:

- a. the total utilization in units and dollars, by Medical Assistance Program, for each year for which the State seeks damages;

- b. the total utilization in units and dollars, by each Medical Assistance Program, that was reimbursed based on a percentage off AWP for each year for which the State seeks damages;
- c. the total dollar amount that the State claims it overpaid in reimbursements under each Medical Assistance Program at issue in this case for each year for which the State seeks damages;
- d. the methodology by which the total dollar amount set forth in response to (c) was calculated; and
- e. the identity of all individuals knowledgeable about the total dollar amounts set forth in response to (c) or knowledgeable about the methodology identified in response to (d).

INTERROGATORY NO. 4: For each Subject Drug, by NDC, provide the total dollar amount that the State claims Wisconsin Medicare beneficiaries overpaid in copayments for each year for which the State seeks damages.

INTERROGATORY NO. 5: Identify each private payor that allegedly overpaid for any Subject Drug and the time period for which damages are sought.

INTERROGATORY NO. 6: For each private payor identified in response to Interrogatory No. 5, identify:

- a. each Subject Drug, by NDC, for which the private payor allegedly overpaid;
- b. the total dollar amount, by year, that each third party payor overpaid in reimbursements for each Subject Drug, by NDC;

- c. the methodology by which the State calculated the total dollar amounts set forth in response to (b); and
- d. the identity of all documents and individuals knowledgeable about the methodology identified in response to (c).

INTERROGATORY NO. 7: Describe each instance in which a PBM placed a prescription drug on its formulary based solely on the “inflated AWP,” identifying specifically the PBM(s) and Subject Drug(s), by NDC, the manner by which you learned of such conduct, and any actions taken by the State regarding that conduct.

INTERROGATORY NO. 8: Identify all “resources” available to the State to determine the “true wholesale prices” for prescription drugs, as referenced in the First Amended Complaint, including but not limited to reports, studies, audits, or consultants.

INTERROGATORY NO. 9: Identify all individuals, either currently or formerly employed by the State of Wisconsin, who are the most knowledgeable regarding the industry use and meaning of published AWP.

INTERROGATORY NO. 10: Identify the individuals, either currently or formerly employed by the Legislative Fiscal Bureau, who are the most knowledgeable regarding the setting of reimbursement rates under the Medical Assistance Programs.

INTERROGATORY NO. 11: Identify the individuals, either currently or formerly employed by the State, who are the most knowledgeable regarding the opposition by the Pharmacists Society of Wisconsin to any proposed decrease in reimbursement rates under the Medical Assistance Programs.

INTERROGATORY NO. 12: Describe in detail all proposals to reduce reimbursement under the Medical Assistance Programs for pharmacists and/or physicians,

including all proposals from the Department of Health and Family Services to the Governor and proposals from the Governor to the legislature, regardless of whether ultimately adopted.

INTERROGATORY NO. 13: Identify all individuals not employed by the State of Wisconsin with whom the Office of the Attorney General has met to discuss this lawsuit, including the dates of such meetings and a list of those in attendance.

INTERROGATORY NO. 14: From 1990-present, identify individuals who have held the following positions at the Department of Health and Family Services, including their dates of service:

- a. Secretary, or equivalent position, responsible for overall administration of the Department of Health and Family Services;
- b. Deputy Secretary, or equivalent position, responsible for assisting in the overall administration of the Department of Health and Family Services;
- c. Medicaid Director, or equivalent position, responsible for overseeing the day-to-day administration of the Medical Assistance Programs;
- d. Pharmacy Director, or equivalent position, responsible for overseeing the day-to-day administration of, and reimbursement for, the pharmacy benefits available under the Medical Assistance Programs; and
- e. Medical Director, or equivalent position, responsible for overseeing the day-to-day administration of, and reimbursement

for, the physician benefits available under the Medical Assistance Program.

INTERROGATORY NO. 15: From 1990-present, identify individuals who have served as the State's contact at EDS or any other fiscal intermediary for the Medical Assistance Programs, including their dates of service.

Dated this 11<sup>th</sup> day of May, 2006.

**AVENTIS PHARMACEUTICALS INC.**

By: \_\_\_\_\_ /s/

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