



3. By responding that it will produce documents or information responsive to a particular Interrogatory, Baxter does not assert that it has responsive documents or information or that such materials exist, only that it will conduct a reasonable search and produce responsive, non-objectionable, non-privileged documents or information. No objection made herein, or lack thereof, is an admission by Baxter as to the existence or non-existence of any documents or information.

4. The responses made herein are based on Baxter's investigation to date of those sources within its control where it reasonably believes responsive information may exist. These answers are made based upon the typical or usual interpretation of words contained in Plaintiff's Interrogatories, unless a specific definition or instruction has been provided and/or agreed upon.

5. Baxter's responses to Plaintiff's Interrogatories contain information subject to the Protective Order in this matter and must be treated accordingly.

6. Baxter is searching diligently for responsive information and documents, but the Interrogatories are unreasonably broad, which makes it unduly burdensome, if not impossible, for Baxter to complete any comprehensive collection and review process. Baxter will negotiate with Plaintiff in good faith to reach reasonable limits on the scope of production, and reserves the right to amend or supplement these objections and responses, as necessary, with additional information or subsequently discovered facts or with documents that may become available or come to its attention, and to rely upon such information or documents in any hearing, trial, or other proceeding in this litigation consistent with said negotiations and in accordance with the applicable rules and Court orders.

7. The provision of documents or information in response to these Interrogatories shall not be construed as a waiver of the confidentiality of any such information.

## **GENERAL OBJECTIONS**

Baxter expressly incorporates all of the General Objections set forth below into the specific objections for each Interrogatory. Any specific objections provided below are made in addition to these General Objections and failure to reiterate a General Objection below does not constitute a waiver of that or any other objection.

### **A. GENERAL OBJECTIONS TO PLAINTIFF'S INTERROGATORIES**

Baxter makes the following General Objections to Plaintiff's Interrogatories No. 4 ("Interrogatories"):

1. Baxter objects to the Interrogatories to the extent that they are premature.
2. Baxter objects to the Interrogatories to the extent that they call for the production of documents or information that are neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence, are overbroad, unduly burdensome, vague, ambiguous, oppressive and/or duplicative. Baxter will not make such documents or information available for inspection.
3. Baxter objects to the Interrogatories to the extent that they demand production of any information or documents covered by the attorney-client privilege, work-product doctrine, joint defense/prosecution privilege, the consulting expert rule, the common-interest doctrine, or any other legally recognized privilege, immunity, or exemption from discovery. To the extent that any such protected information or documents are inadvertently produced in response to the Interrogatories, the disclosure of such information or documents shall not constitute a waiver of Baxter's right to assert the applicability of any privilege or immunity to the information or documents. Any such documents or information shall be returned to Baxter's counsel immediately upon discovery thereof.

4. Baxter objects to the Interrogatories to the extent that they seek information or documents outside the knowledge, possession, custody, or control of Baxter, its agents, or employees, that are publicly available, that are otherwise equally accessible to Plaintiff, that have been made available to Plaintiff, or that are more appropriately sought from third parties to whom requests have been or may be directed.

5. Baxter objects to the disclosure, under any circumstance, of trade secret information where the probative value in this litigation is greatly exceeded by the potential harm to Baxter if the information were to fall into the hands of its competitors (including certain co-defendants), and further asserts each and every applicable privilege and rule governing confidentiality to the fullest extent provided by the law.

6. Baxter objects to the Interrogatories to the extent they seek documents or information relating to Baxter's activities other than those which concern the State of Wisconsin, on the grounds that such documents are neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence.

7. Baxter objects to the Interrogatories to the extent that they may be construed as calling for the production of confidential information or documents relating to a patient. Baxter will not produce any such information or documents to the extent it is under any obligation to maintain the patient information in confidence. Baxter will not disclose such material unless the patient grants permission to do so.

8. Baxter objects to these Interrogatories to the extent that they seek information or documents that Baxter obtained from third parties and cannot disclose without prior approval of the third parties.

9. Baxter objects to any implications and to any explicit or implicit characterization of the facts, events, circumstances, or issues in the Interrogatories. Any

response by Baxter is not intended to indicate that Baxter agrees with any such implications or characterizations, or that such implications or characterizations are relevant to this litigation.

10. Baxter objects to the Interrogatories to the extent that they seek information or documents relating to a period of time outside any applicable statute of limitations.

11. Baxter objects to the Requests to the extent they seek documents or information already in the possession, custody, or control of the State of Wisconsin or its agencies or attorneys, or that have already been made available to the State of Wisconsin or its agencies or attorneys.

12. Baxter objects to the Interrogatories to the extent that they seek information not contained in documents that currently exist at Baxter and require Baxter to create, compile, or develop new documents.

13. Baxter objects to the Interrogatories to the extent that they seek information or documents that are publicly available.

14. Baxter objects to the Interrogatories to the extent that they purport to impose obligations beyond or inconsistent with those imposed by applicable law, including, but not limited to, the Wisconsin Rules of Civil Procedure. Baxter responds to these Interrogatories, subject to other objections, as required by applicable law.

15. Baxter hereby incorporates by reference as if fully set forth herein any objection or reservation of rights made by any co-defendant in this action to the extent such objection or reservation of rights is not inconsistent with Baxter's position in this litigation.

**B. GENERAL OBJECTIONS TO PLAINTIFF'S DEFINITIONS AND INSTRUCTIONS**

1. Baxter objects to Plaintiff's "Definitions" and "Instructions" in the Interrogatories to the extent Plaintiff seeks to expand upon or alter Baxter's obligations under the Wisconsin Rules of Civil Procedure. Baxter will comply with applicable rules of civil procedure in providing its responses to the Interrogatories.

2. Baxter objects to Plaintiff's definitions of "you," "your," and "your company," as set forth in Definition No. 1, to the extent they purport to imply any control by Baxter over any other entity and seek to impose discovery obligations that are broader than, or inconsistent with, Baxter's obligations under the Wisconsin Rules. The definitions are overbroad, unduly burdensome, and vague because they seek the production of information not in the control or custody of Baxter, require Baxter to search the files of third parties, and require Baxter to speculate as to the identities of individuals and business entities encompassed within the definitions.

3. Baxter objects to the definitions of "document" and "documents," as set forth in Definition No. 2, to the extent that they seek to impose discovery obligations that are broader than, or inconsistent with, Baxter's obligations under the Wisconsin Rules. Baxter will comply with the Wisconsin Rules. Baxter further objects to this definition to the extent that it calls for Baxter to search for information that was not generated in the form of written or printed records, or to create or re-create printouts from electronic data compilations, on the grounds that such a request would be unduly burdensome and oppressive. Baxter also objects to this definition to the extent that it requires or seeks to require Baxter to: (a) produce documents or data in a particular form or format; (b) convert documents or data into a particular or different file format; (c) produce data fields, records, or reports about produced documents or data; (d) produce documents or data on any particular medium; (e) search form and/or produce any documents or

data on back-up tapes; (f) produce any proprietary software, data, programs, or databases; or (g) violate an licensing agreement or copyright laws.

**AMENDED ANSWERS TO INTERROGATORIES NO. 4**

Subject to the General Objections and Preliminary Statement, and without waiving and expressly preserving all such objections, which are hereby incorporated into the responses to each Interrogatory, Baxter answers Plaintiff's Interrogatories No. 4 as follows:

**INTERROGATORY NO. 12:** With respect to the facts which you identify in response to Interrogatories No. 6 and No. 8 (attached) 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 person.

**ANSWER:**

Baxter objects to this Interrogatory on the grounds that it is premature, overbroad, unduly burdensome, and seeks information not reasonably calculated to lead to the discovery of admissible evidence. Baxter further objects to this Interrogatory on the grounds that a number of Baxter's denials were expressly based on Baxter's lack of knowledge or information regarding the Amended Complaint's assertions, and this Interrogatory thus seeks information that is outside of the knowledge, possession, custody, or control of Baxter and its agents and employees. Baxter also objects to the Interrogatory on the grounds that it seeks information protected by the attorney-client privilege and work product doctrine.

Subject to and without waiving any of these objections or its General Objections, Baxter responds that its investigation and search is ongoing and has not been completed; therefore, all knowledgeable witnesses and all relevant information have not yet been identified. Given this

and Baxter's General and Specific Objections, while there are numerous categories of persons and entities who have information or knowledge responsive to this Interrogatory, Baxter responds only as to its own current and former employees. Based on Baxter's diligent review and investigation to date, Baxter responds preliminarily that the following current Baxter employees may have knowledge or information relevant to this case:

1. Michael Bradley, Vice President, Healthcare Economics & Reimbursement
2. Bernadette Connolly, Group Manager, Marketing
3. Chris Jackson, Senior Finance Manager
4. Peter O'Malley, Vice President, General Manager, National Accounts
5. Greg Neier, Vice President, Sales
6. Jeff Nordquist, Vice President, Marketing
7. Josh Pham, Director, Marketing
8. Judy Reuter, Marketing Manager
9. John Shannon, Vice President, Marketing

In addition, the following former Baxter employees might have knowledge or information relevant to this case:

1. Kyle Bush, Marketing Manager
2. Joseph Darling, Vice President, Marketing
3. Pam Koo, Manager, Reimbursement Policy and Planning
4. Candy Pullano, Director of Marketing
5. Julie Reed, Director, Healthcare Economics & Reimbursement
6. John Sonnier, Marketing Manger
7. Kathy Specht, Director, Sales Administration

8. Kathy Sullivan, Marketing Manager

Baxter further responds that the foregoing job titles are based upon a reasonable search and investigation of available information and constitute the current or last known job titles. Baxter objects to providing addresses of these persons, but Baxter's counsel represents all current and former employees identified in this Interrogatory answer; therefore, subject to negotiations and an agreement between the parties, Baxter's counsel will facilitate arrangements for depositions of these persons as necessary. To the extent that Baxter may subsequently identify additional employees responsive to this Interrogatory, Baxter will supplement its answer.

Dated: April 23, 2007

Respectfully submitted,

*AS TO OBJECTIONS*

By /s/ Merle M. DeLancey, Jr.  
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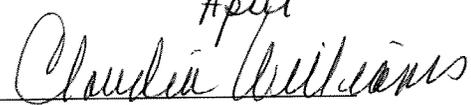
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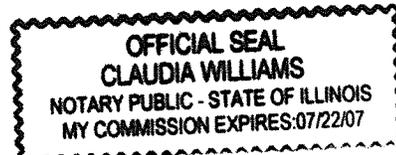
VERIFICATION

I, Marcia S. Melchin, am Director, Legal Support at Baxter Healthcare Corporation and am authorized to execute this verification on behalf of Baxter. I have read the foregoing Amended Responses to Plaintiff State of Wisconsin's Interrogatories No. 4 (To All Defendants). The Responses are necessarily limited by the information presently gathered and available to Baxter at the time the Responses were prepared. Accordingly, Baxter reserves the right to supplement the Responses. Subject to the foregoing, I verify that the statements set forth in Baxter Healthcare Corporation's Amended Responses to Plaintiff State of Wisconsin's Interrogatories No. 4 (To All Defendants) were supplied by others and are true and correct to the best of my knowledge, information, and belief.

  
Marcia S. Melchin

Sworn and subscribed to before me  
this ~~15th~~ day of ~~March~~, 2007.

*April*  
  
Notary Public  
My Commission Expires: 7/22/07



CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of Defendant Baxter Healthcare Corporation's Amended Responses to Plaintiff State of Wisconsin's Interrogatories No. 4 (To All Defendants) to be served on all counsel of record electronically via LexisNexis File & Serve system on April 23, 2007.

/s/ Jared Rodrigues  
Jared Rodrigues