

4. 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.

RESPONSE TO INTERROGATORY NO. 13

INTERROGATORY NO. 13: For each calendar year from 1993 to the present, identify the following:

- (a) the gross annual sales of your drugs in the United States; and
- (b) the percentage of the gross annual sales of your drugs in the United States that is attributable to Medicaid patients, *i.e.*, that results from sales to (or stated differently, reimbursement by) state Medicaid programs.

OBJECTION: Baxter objects to Interrogatory No. 13 on the grounds that it is overly broad, unduly burdensome, and the phrases "gross annual sales" and "attributable to Medicaid patients" are vague and ambiguous. Baxter also objects to Interrogatory No. 13 on the grounds that it seeks information that is neither relevant to the issues in this action nor reasonably calculated to lead to the discovery of admissible evidence, such as: (1) information for Baxter products not at issue in this case; (2) information for products purchased outside Wisconsin; (3) information for products not reimbursed by Wisconsin Medicaid; and (4) information for periods after the filing of the initial complaint in this action. Baxter further objects to Interrogatory No. 13 to the extent it seeks information that is a matter of public record, is equally available to Plaintiff, and/or is already in the possession of Plaintiff. Baxter also objects to Interrogatory No. 13 to the extent it seeks to expand upon or alter Baxter's obligations under the Wisconsin statutes and/or rules.

RESPONSE: Notwithstanding, and without waiving, its objections, Baxter answers this Interrogatory by stating that it has already produced data from which the answer to part of Interrogatory No. 13 may be obtained.

Dated: December 10, 2007

Respectfully submitted,

AS TO OBJECTIONS

By /s/ Merle M. DeLancey, Jr.

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CERTIFICATE OF SERVICE

I hereby certify that on December 10, 2007 a true and correct copy of the foregoing was served on all counsel of record by Lexis Nexis File & Serve®.

/s/ Jared Rodrigues
Jared Rodrigues