

STATE OF WISCONSIN,

Plaintiff,

v.

ABBOTT LABORATORIES, INC., et. al.,

Defendants.

)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)

Case No.: 04 CV 1709

**DEFENDANTS' THIRD SET OF INTERROGATORIES DIRECTED TO  
PLAINTIFF'S *PARENS PATRIAE* CLAIMS**

Pursuant to Chapter 804 of the Wisconsin Statutes, Defendants request that the State of Wisconsin ("Plaintiff") respond to the following Interrogatories no later than 30 days from date of service. In an effort to limit the burden on Plaintiff and advance the efficient resolution of this litigation, Defendants have coordinated in propounding these Interrogatories. By submitting joint Interrogatories, Defendants do not intend to waive or limit each Defendants' right to propound additional discovery, whether joint or individual.

**DEFINITIONS**

Defendants hereby incorporate the definitions and instructions contained in Defendants' Second Set of Document Requests Directed to Plaintiff and Defendants' Second Set of Interrogatories Directed to Plaintiff, both served on February 20, 2006. In addition, the following terms used in these Interrogatories, whether or not capitalized, are defined as follows:

- A. "*Parens Patriae* Plaintiffs" refers to the citizens, organizations, and entities on behalf of which you are bringing this lawsuit.

## INTERROGATORIES

### INTERROGATORY NO. 1

Are you asserting *parens patriae* claims?

### INTERROGATORY NO. 2

If the answer to Interrogatory No. 1 is “No,” state the basis on which you are asserting claims on behalf of the *Parens Patriae* Plaintiffs?

### INTERROGATORY NO. 3

Do you contend that the claims brought on behalf of the *Parens Patriae* Plaintiffs are limited to the following: (1) Wisconsin Part B participants who allegedly paid higher co-pays for their prescription drugs as a result of Defendants’ alleged conduct and (2) private payers who were harmed by entering into contracts with PBMs based on inflated prices as alleged in Paragraph 75 of your Complaint?

### INTERROGATORY NO. 4

If your response to Interrogatory No. 3 is anything other than an unqualified “Yes”, state and define the other categories of claims brought on behalf of the *Parens Patriae* Plaintiffs.

### INTERROGATORY NO. 5

Please define with precision the *Parens Patriae* Plaintiffs, including but not limited to whether the *Parens Patriae* Plaintiffs include:

- (a) private payers within Wisconsin who pay or reimburse for Subject Drugs outside Wisconsin;
- (b) only Wisconsin residents;
- (c) non-Wisconsin residents who purchase Subject Drugs from a Wisconsin pharmacy.

**INTERROGATORY NO. 6**

Please describe with particularity the methods by which the elements of all causes of action and damages (or pecuniary loss) will be adjudicated as to the *Parens Patriae* Plaintiffs, including:

- (a) how you plan to identify each *Parens Patriae* Plaintiff;
- (b) how you plan to identify each Subject Drug paid for by each *Parens Patriae* Plaintiff;
- (c) how you plan to identify the amount each *Parens Patriae* Plaintiff paid for each Subject Drug;
- (d) how you plan to identify the damages (or pecuniary loss) allegedly caused by each Defendant to each *Parens Patriae* Plaintiff; and
- (e) how you plan to show reliance by each *Parens Patriae* Plaintiff.

**INTERROGATORY NO. 7**

Please identify the individuals or entities who you plan to have testify at trial on behalf of the *Parens Patriae* Plaintiffs.

**INTERROGATORY NO. 8**

Please identify the ten largest *Parens Patriae* Plaintiffs (in terms of alleged damages/pecuniary loss) for each Subject Drug for each category of *Parens Patriae* Plaintiff.

**INTERROGATORY NO. 9**

Do you plan on providing notice to the *Parens Patriae* Plaintiffs of the opportunity to opt-out of this litigation, and if so, how?

**INTERROGATORY NO. 10**

Please identify all PBMs that were “enabled and encouraged” to enter into contracts with private payers based on “inflated prices” as alleged in Paragraph 75 of the Complaint.

**INTERROGATORY NO. 11**

Please identify all persons currently or formerly employed by or serving as a contractor for you with any knowledge of, responsibility for, involvement in, or influence on your claim, as alleged in Paragraph No. 66 of your First Amended Complaint, that Medicare Part B participants paid substantially more for their co-pays because of Defendants’ alleged conduct.

**INTERROGATORY NO. 12**

Please identify all persons currently or formerly employed by or serving as a contractor for you with any knowledge of, responsibility for, involvement in, or influence on your claim, as alleged in Paragraph 67 of your First Amended Complaint, that private payers have been harmed by entering into contracts with PBMs at “inflated prices.”

**INTERROGATORY NO. 13**

If, in response to Interrogatory Nos. 3 and 4, you contend there are additional categories of claims brought on behalf of the *Parens Patriae* Plaintiffs, please identify all persons currently or formerly employed by or serving as a contractor for you with any knowledge of, responsibility for, involvement in, or influence on those claims.

**INTERROGATORY NO. 14**

Please identify the Wisconsin private payers on whose behalf the State seeks restitution or damages. For each private payer identified, state:

- (a) the current and any prior methodology used by such payer to reimburse any portion of the cost of covered prescription drugs dispensed by pharmacists;
- (b) the current and any prior methodology used by such payer to reimburse any portion of the cost of physician-administered drugs;
- (c) the dates each methodology identified in answer to subparts (a) and (b) were in effect; and
- (d) the reasons for any change in the reimbursement methodologies.

**INTERROGATORY NO. 15**

If you recover a judgment in your *parens patriae* capacity, will you distribute those funds to the individuals and/or entities on whose behalf you make those claims? If so, how will you do it? If not, then to what uses will the State put the funds you recover?

/s/ Jennifer A. Walker  
William M. Conley  
Jeffrey A. Simmons  
FOLEY & LARDNER  
150 East Gilman Street  
Verex Plaza  
Madison, WI 53703  
Telephone: (608) 257-5035  
Facsimile: (608) 258-4258

Joseph H. Young  
Steven F. Barley  
Jennifer A. Walker  
HOGAN & HARTSON, LLP  
111 S. Calvert St., Suite 1600  
Baltimore, MD 21202  
410-659-2700 (phone)  
410-539-6981 (fax)

*Attorneys for Amgen Inc.*

March 9, 2006

**CERTIFICATE OF SERVICE**

I hereby certify that on March 9, 2006, a true and correct copy of the foregoing document was served upon all counsel of record via electronic service pursuant to Case Management Order No. 1 by causing a copy to be sent to LexisNexis File & Serve for posting and notification.

/s/ Jennifer A. Walker

Jennifer A. Walker