

STATE OF WISCONSIN,	)	
	)	
Plaintiff,	)	Case No.: 04 CV 1709
	)	
v.	)	
	)	
ABBOTT LABORATORIES, INC., et. al.,	)	
	)	
Defendants.	)	

**DEFENDANTS' FOURTH SET OF INTERROGATORIES AND REQUESTS FOR PRODUCTION DIRECTED TO PLAINTIFF**

Pursuant to Wis. Stat. §§ 804.08 and 804.09, Defendants request that the State of Wisconsin ("Plaintiff") respond to the following Interrogatories and Requests for Production (the "Requests") 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 Defendant's right to propound additional discovery, whether joint or individual.

**DEFINITIONS**

1. The term "And" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the request any information that might otherwise be construed to be outside its scope.
2. "ASP Information" means any "average sales price" information reported to Plaintiff by any Defendant, including but not limited to TAP, AstraZeneca and Bayer.
3. "AstraZeneca" refers to AstraZeneca Pharmaceuticals LP and AstraZeneca LP.

4. "Bayer" refers to Bayer Corporation, including all subsidiaries, predecessors, successors and affiliates.

5. The term "Communication" means any form of written or oral communication, including, without limitation, letters, memoranda, electronic mail, voicemail, telegrams, invoices, telephone conversations, face-to-face meetings, and other similar forms of communication or correspondence.

6. The term "Document" means the original and each non-identical copy of a document in any medium, including electronic form, whether or not it was communicated to any person other than the author, including but not limited to, writings, printouts, printings, photographs, photocopies, tapes, recordings, video recordings, electronic data, e-mails, and any other symbolic representations in your possession, custody or control or known or believed by you to exist.

7. "Person" means any natural person or any business, legal or governmental entity or association.

8. "Provider" means any Person that provides health care to any Medicaid participant or beneficiary, or any person to whom Plaintiff provides reimbursement for products dispensed to a Medicaid participant or beneficiary.

9. "Refer," "relate," and "relating to" means in any way consisting of or containing, showing, evidencing, relating or referring in any way, directly or indirectly, to, and is meant to include, among other documents, documents underlying, characterizing, supporting, now or previously attached or appended to, or used in the preparation of any document called for by each request.

10. "TAP" refers to TAP Pharmaceutical Products Inc., including all subsidiaries, predecessors, successors and affiliates.

11. "Wisconsin," "you" or "your" means the State of Wisconsin, including but not limited to the office of the Department of Health and Family Services, the Department of Administration, the Governor's Office, the Legislative and Fiscal Bureau, the Joint Committee on Finance, the Legislative Audit Bureau, the Legislative Reference Bureau, and any other Wisconsin agencies and programs.

### INSTRUCTIONS

1. Unless otherwise specifically stated, the requests below refer to the time period of January 1, 1992 to the present.

2. Each request for production of documents and/or interrogatory extends to all documents and/or information in your possession, custody or control or that of anyone acting on your behalf. A document is to be deemed in your possession, custody or control if it is in your physical custody, or if it is in the physical custody of any other person and you (a) own such document in whole or in part; (b) have a right, by contract, statute or otherwise, to use, inspect, examine or copy such document on any terms; (c) have an understanding, express or implied, that you may use, inspect, examine or copy such document on any terms; or (d) have, as a practical matter, been able to use, inspect, examine or copy such document when you sought to do so.

3. If production is requested of a document that is no longer in your possession, custody or control, your response should state when the document was most recently in your possession, custody or control, how the document was disposed of and the identity of the person, if any, presently in possession, custody or control of such document. If the document has been destroyed, state the reason for its destruction.

4. Provide the following information for each document withheld or redacted on the grounds of privilege:

(a) its date;

- (b) its title;
- (c) its author;
- (d) its addressee;
- (e) the specific privilege under which it is withheld;
- (f) its general subject matter; and
- (g) a description of the document that is adequate to support your contention that it is privileged.

5. These interrogatories and requests for documents are continuing in nature so as to require, whenever necessary, continuing production and supplementation of responses between the initial date for production set forth above and the end of trial.

6. To the extent that you consider any of the following requests for production of documents and/or interrogatories objectionable, please respond to the remainder of the production request and/or interrogatories, and separately state the part of each request to which you object and each ground for objection.

### **INTERROGATORIES**

#### **INTERROGATORY NO. 1:**

Did You use, rely upon, reference or consider ASP Information provided to You by any manufacturer of pharmaceutical products, including but not limited to TAP, AstraZeneca or Bayer, in any way, including but not limited to evaluating, revising or setting reimbursement to Providers under Wisconsin's Medicaid program?

#### **INTERROGATORY NO. 2:**

If the answer to Interrogatory No. 1 is anything other than an unqualified no, describe:

- a. How ASP Information provided by any manufacturer of pharmaceutical products has been used, relied upon, referenced or

considered in evaluating, revising or setting reimbursement to Providers under Wisconsin's Medicaid program; and

- b. When You began to use, rely upon, reference or consider ASP Information in evaluating, revising or setting reimbursement to Providers under Wisconsin's Medicaid program.

**INTERROGATORY NO. 3:**

What individuals or agencies were part of the decision whether to use, rely upon, reference or consider ASP information received from any manufacturer of pharmaceutical products in evaluating, revising or setting reimbursement to Providers under Wisconsin's Medicaid program?

**INTERROGATORY NO. 4:**

Identify the level(s) of reimbursement throughout the relevant time period, including the exact date and amount of each change to the level(s) of reimbursement, for:

- a. Dispensing fees for self-administered drugs reimbursed by the Wisconsin Medicaid program, SeniorCare, BadgerCare or any managed care entity that covers Medicaid recipients;
- b. Administration fees for physician-administered drugs reimbursed by the Wisconsin Medicaid program, SeniorCare, BadgerCare or any managed care entity that covers Medicaid recipients;
- c. Injection fees for physician-administered drugs reimbursed by the Wisconsin Medicaid program, SeniorCare, BadgerCare or any managed care entity that covers Medicaid recipients;
- d. Any other component of reimbursement for any drug reimbursed by the Wisconsin Medicaid program, SeniorCare, BadgerCare or any managed care entity that covers Medicaid recipients, except for the ingredient cost component.

**REQUESTS FOR PRODUCTION**

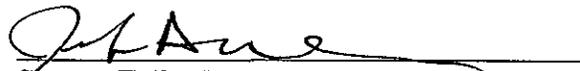
**REQUEST NO. 1:**

All Documents referred to or used in responding to the Interrogatories above.

**REQUEST NO. 2:**

Documents relating to Your use of, reliance upon, reference to or consideration of ASP Information provided by any manufacturer of pharmaceutical products.

Dated:           October 18, 2007



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**Certificate of Service**

I, Jennifer A. Walker, hereby certify that on this 18th day of October, 2007, a true and correct copy of the foregoing was served on all counsel of record by Lexis Nexis File & Serve®.

/s/ Jennifer A. Walker \_\_\_\_\_  
Jennifer A. Walker