

discovery of information which is relevant to the subject matter of this litigation or reasonably calculated to lead to the discovery of admissible evidence.

4. Dey objects to the extent that Plaintiff's Interrogatory seeks information not limited to sales in the State of Wisconsin on the grounds that such Interrogatory is overly broad, unduly burdensome, and does not seek the discovery of admissible evidence.

5. Dey objects to the Interrogatory as overly broad, unduly burdensome, and not reasonably calculated to lead to discovery of admissible evidence to the extent it seeks information concerning pharmaceutical products not at issue in this litigation. Dey will provide information relating only to pharmaceutical products identified in the Second Amended Complaint.

6. Dey objects to the Interrogatory on the grounds that it is unduly burdensome to the extent that it purports to require Dey to create, compile, analyze, compute, and/or summarize voluminous data or information that Plaintiff has the ability to create, compile, analyze, compute, and/or summarize by reviewing the documents, information, or data that Dey has produced or will produce.

7. Dey objects to the Interrogatory to the extent it demands the production of information that is privileged or otherwise protected against discovery pursuant to the attorney-client privilege, the work product doctrine, the joint defense privilege, the consulting expert rule, the common interest doctrine, or any other legally recognized privilege, immunity, or exemption from discovery. To the extent any such protected information is inadvertently produced in response to the Interrogatory, the production of such information shall not constitute a waiver of Dey's right to assert the applicability of any privilege or immunity to the information, and any such information shall be returned to Dey's counsel immediately upon discovery thereof.

8. Dey objects to the Interrogatory to the extent that it demands the production of information containing trade secrets, or proprietary, commercially sensitive or other confidential information.

9. Dey 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 Dey if the information were to fall into the hands of its competitors, and further asserts each and every applicable privilege and rule governing confidentiality to the fullest extent provided by the law.

10. The response and objections are made without waiving or intending to waive, but to the contrary intending to preserve and preserving: (a) any objections as to the competency, relevancy, materiality, privilege, or admissibility as evidence, for any purpose, of any documents or information produced to respond to the Interrogatory; (b) the right to object on any ground to the use of documents or information produced in response to the Interrogatory at any hearing, trial, or other point during this action; (c) the right to object on any ground at any time to a demand for further responses to the Interrogatory; or (d) the right at any time to revise, correct, add to, supplement, or clarify any of the responses or objections contained herein.

11. The information supplied herein is for use in this action and for no other purpose.

12. No response or objection made herein, or lack thereof, is an admission by Dey as to the existence or non-existence of any information.

13. Dey objects to the Interrogatory to the extent that it seeks information from outside of the statute of limitations applicable to the State's claims in this action, or beyond the time period relevant to this action. Dey objects to the Interrogatory as irrelevant, overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible

evidence to the extent that it purports to seek information relating to a period of time after the filing of the Complaint on or around June 3, 2004.

14. Dey objects to the Interrogatory to the extent it seeks information relating to Dey's activities that are outside the scope of the allegations in the Second Amended Complaint.

15. Dey reserves the right to assert additional objections to this Interrogatory as appropriate and to amend or supplement its objections and response in accordance with the applicable rules and court orders and based on results of its continuing investigation.

16. Dey objects to the Interrogatory to the extent it seeks to impose on Dey an obligation to search for and respond with information contained in electronically stored data in any format on the grounds that such Interrogatory is overly broad, unduly burdensome, harassing, and not reasonably limited in scope.

17. Dey objects to the Interrogatory to the extent it does not identify with sufficient particularity the information sought.

RESPONSE AND OBJECTIONS TO INTERROGATORY NO. 13

The General Objections and Reservations of Rights stated above apply to and are incorporated into the response to the Interrogatory set forth below, whether or not expressly incorporated by reference. Dey also responds and objects specifically to the Interrogatory as follows:

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.

DEY'S RESPONSE AND OBJECTIONS

Dey objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Dey further objects to this Interrogatory as overbroad and unduly burdensome because it covers a period of more than fourteen years and a period of time outside the scope relevant to this action. Dey further objects to this Interrogatory to the extent it seeks information concerning drugs not at issue in this action. Dey further objects to this Interrogatory to the extent it seeks information concerning matters outside the State of Wisconsin. Dey further objects to this Interrogatory on the grounds that it is vague and ambiguous because it contains terms that are vague, ambiguous and undefined, including: "gross annual sales", "attributable to Medicaid patients" and "results from". Dey further objects to this Interrogatory to the extent it purports to require Dey to create or analyze data that Plaintiff itself has the ability to create or analyze by reviewing the documents and data that Dey has produced. Dey further objects to this Interrogatory to the extent it seeks information unknown to Dey, equally available to Wisconsin, or already within the possession of Wisconsin. Dey states that, pursuant to the Medicaid Rebate Program, the State of Wisconsin maintains records on the quantity of each manufacturer's drugs purportedly dispensed under the Wisconsin Medicaid program.

Subject to and without waiving the foregoing objections, Dey refers Plaintiff to the sales reports generated by the finance department and 8 CDs containing transactional data produced on October 14, 2005, along with the Medicaid Rebate Program data in Plaintiff's possession.

Dated: December 10, 2007.

AS TO OBJECTIONS

BELL, GIERHART & MOORE, S.C.

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