

STATE OF WISCONSIN,)
)
 Plaintiff,)
)
 v.)
)
 ABBOTT LABORATORIES, ET AL.,)
)
 Defendants.)

Case No.: 04 CV 1709

RESPONSES AND OBJECTIONS BY SMITHKLINE BEECHAM CORPORATION, D/B/A GLAXOSMITHKLINE (“GSK”) TO PLAINTIFF’S FOURTH SET OF INTERROGATORIES

Pursuant Wisconsin Rule of Civil Procedure 804.08, defendant SmithKline Beecham Corporation, d/b/a GlaxoSmithKline (“GSK”), by its attorneys, hereby asserts the following responses and objections to Plaintiff State of Wisconsin’s (“Plaintiff’s” or the “State’s”) Fourth Set of Interrogatories (consisting of one Interrogatory) as follows:

PRELIMINARY STATEMENT

1. By responding to this Interrogatory, GSK does not waive or intend to waive: (a) any objections as to the competency, relevancy, materiality, privilege, or admissibility as evidence, for any purpose, of any documents or information produced in response; (b) the right to object on any ground to the use of the documents or information produced in response at any hearing, trial, or other point during the litigation; or (c) the right to object on any ground at any time to a demand for further responses to the Interrogatory.

2. By responding to an Interrogatory, GSK does not assert that it has responsive information or that such information exists, only that it will conduct a reasonable inquiry if such information is not known and provide the information if it is responsive, non-objectionable and non-privileged. No objection made herein, or lack thereof, is an admission by GSK as to the existence or non-existence of any information.

3. The Response made herein is based on GSK's investigation to date of those sources within its control where it reasonably believes responsive information may exist. GSK reserves the right to amend or supplement this Response in accordance with applicable law and Court orders in this action.

4. GSK reserves the right to modify these objections and response and to present in any proceeding and at trial any further information and documents obtained during discovery and preparation for trial.

GENERAL OBJECTIONS

GSK expressly incorporates all of the General Objections set forth below into the Response below. 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.

GSK objects generally as follows:

1. GSK objects to Plaintiff's "Definitions" and "Instructions" to the extent that they expand upon or alter GSK's obligations under applicable law and court rules. GSK will comply with the applicable law and rules in providing its Responses and Objections .

2. GSK objects to this Interrogatory to the extent that it is irrelevant, overly broad, unduly burdensome, and not reasonably calculated to lead to admissible evidence to the extent

that it purports to require production of documents or information relating to pharmaceuticals not properly placed at issue in this litigation.

3. GSK objects to this Interrogatory to the extent that it seeks information protected by the attorney-client privilege, work-product doctrine, common-interest doctrine, joint-defense privilege, or any other applicable privileges or protections, and to the extent these instructions or the Interrogatory seeks trial preparation and expert materials. GSK hereby asserts these privileges to their fullest extent and no statement or answer herein shall constitute waiver thereof. Any information subject to any such privilege that is inadvertently produced by GSK shall not constitute or be deemed a waiver of such privilege or protection, and GSK reserves its rights to demand the return of any inadvertently produced information.

4. GSK objects to this Interrogatory to the extent that it seeks information that was compiled for and presented during compromise negotiations, including the court-ordered mediation in *In re Pharmaceutical Industry Average Wholesale Price Litigation*, MDL No. 1456 (D. Mass.). GSK hereby asserts these privileges and protections to their fullest extent and no statement or answer herein shall constitute waiver thereof. Any information subject to any such privileges and protections that is inadvertently or otherwise produced by GSK shall not constitute or be deemed a waiver of such privileges or protections, and GSK reserves its rights to demand the return of any inadvertently produced information.

5. GSK objects to this Interrogatory to the extent that it seeks information concerning a trade secret, proprietary or other confidential information and is not otherwise subject to a protective order entered by the Court in this litigation.

6. GSK objects to this Interrogatory to the extent that it seeks information that GSK licensed or received from third parties and cannot disclose without prior approval of the third-parties.

7. GSK objects to this Interrogatory to the extent that it seeks information that does not currently exist at GSK.

8. GSK objects to this Interrogatory to the extent that it purports to require GSK to create, compile, or develop information or documents not already in existence.

9. GSK objects to this Interrogatory to the extent that it seeks production of documents or information not in GSK's custody or control, publicly available documents or information, documents or information equally available to the Plaintiff, or documents or information more appropriately sought from third-parties to whom subpoenas or requests could have been directed.

10. GSK objects to this Interrogatory as irrelevant, overly broad, unduly burdensome, and not reasonably calculated to lead to admissible evidence to the extent that it purports to require production of documents or seek information relating to a period of time prior to June 3, 1998 (which is outside of any applicable statute of limitations) and/or after September 6, 2002 (the date on which Plaintiffs filed the Master Consolidated Class Action Complaint in *In re Pharmaceutical Industry Average Wholesale Price Litigation*, MDL No. 1456 (D. Mass.)).

11. GSK objects to this Interrogatory as irrelevant, overly broad, unduly burdensome, and not reasonably calculated to lead to admissible evidence to the extent it seeks documents or information concerning Kytril® after December 22, 2000, the date on which GSK's predecessor, SmithKline Beecham, sold Kytril® to Hoffman-La Roche Inc.

12. GSK objects to this Interrogatory to the extent that it seeks information that is not relevant to this litigation or is not reasonably calculated to lead to the discovery of admissible evidence.

13. GSK objects to any implications and to any explicit or implicit characterization of facts, events, circumstances, or issues in the Interrogatory. Any Response by GSK is not intended to indicate that GSK agrees with any implication or any explicit or implicit characterization of facts, events, circumstances, or issues in the Interrogatory, or that such implications or characterizations are relevant to this action.

14. Subject to and without waiving any objection set forth herein, GSK will produce non-privileged, responsive information and documents as set forth below at a time and place and in a manner to be agreed upon by the parties.

15. GSK objects to the definition of “you,” “your” and “your company” as set forth in Definition No. 1 on the grounds that it is vague, ambiguous and overbroad.

16. GSK objects to the definition of “Document” as set forth in Definition No. 2 on the grounds that it is vague, ambiguous and overbroad.

ANSWERS AND OBJECTIONS TO INTERROGATORY

INTERROGATORY NO. 12:

With respect to the facts which you identify in response to interrogatories No. 6 and No. 8 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 such person.

ANSWER: GSK incorporates by reference herein its objections and responses to Interrogatories Nos. 6 and 8. GSK further objects to Interrogatory No. 12 on the grounds that it is overly broad and unduly burdensome, and to the extent it seeks information protected by the attorney-client privilege and work-product doctrine, and to the extent that it seeks to require

GSK to “identify which fact each person has knowledge of,” information which can be obtained through appropriate depositions and document review. GSK further objects on the grounds that the Interrogatory is overly broad, unduly burdensome and implicates the privacy rights of individual witnesses to the extent it seeks home addresses. GSK also objects to this Interrogatory because GSK has not yet fully identified all individuals who may have knowledge of all of the facts that support GSK’s denials and Affirmative Defenses since discovery and investigation remain ongoing.

Notwithstanding GSK’s general and specific objections, and without waiving them, GSK agrees to produce business records, in a manner to be negotiated and agreed upon between the parties, from which the answer to Interrogatory No. 12 may be obtained. GSK expressly reserves the right to supplement this Interrogatory Answer in the future.

Dated: March 19, 2007

Respectfully submitted,

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Certificate of Service

I, _____, hereby certify that on this 19th day of March 2007, a true and correct copy of the RESPONSES AND OBJECTIONS OF SMITHKLINE BEECHAM CORPORATION, D/B/A GLAXOSMITHKLINE (“GSK”) TO PLAINTIFF’S FOURTH SET OF INTERROGATORIES was served on all counsel of record by Lexis Nexis File & Serve®.

/s/ _____