

STATE OF WISCONSIN,

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Plaintiff,

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Case No. 04 CV 1709

v.

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ABBOTT LABORATOIRES., et al.,

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Defendants.

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IMMUNEX CORPORATION'S RESPONSES AND OBJECTIONS TO PLAINTIFF'S FIFTH SET OF INTERROGATORIES TO ALL DEFENDANTS

Pursuant to the Wisconsin Rule of Civil Procedure 804.08, defendant Immunex Corporation ("Immunex"), by its attorneys, objects and responds to Plaintiff's Fifth Set of Interrogatories to All Defendants ("Interrogatory No. 13") as follows:

PRELIMINARY STATEMENT

1. The response and objections to Interrogatory No. 13 are made solely for the purposes of this action. Immunex's response is subject to all objections as to competence, relevance, materiality, propriety, and admissibility, and to any and all other objections on any grounds that would require the exclusion of any statements contained herein if Interrogatory No. 13 was asked of, or statements contained herein were made by, a witness present and testifying in Court, all of which objections and grounds are expressly reserved and may be interposed at the time of trial.

2. Immunex's response and objections shall not be deemed to constitute admissions:

- a. that any particular document or thing exists, is relevant, non-privileged, or admissible in evidence; or

- b. that any statement or characterization in Interrogatory No. 13 is accurate or complete.

3. Immunex's response is made based upon reasonable and diligent investigation conducted to date. Discovery and investigation in this matter are ongoing and Immunex reserves the right to amend its response and to raise any additional objections it may have in the future. The response is made based upon the typical or usual interpretation of words contained in Interrogatory No. 13, unless a specific definition or instruction has been provided and/or agreed upon.

4. Immunex is responding on its own behalf, and not on behalf of Amgen Inc., the parent company of Immunex, which has been named as a separate defendant in these proceedings and is separately represented by counsel.

5. Immunex's response is submitted without prejudice to Immunex's right to produce evidence of any subsequently discovered fact. Immunex accordingly reserves its right to provide further responses and answers as additional facts are ascertained.

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.

ANSWER: Immunex 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. Immunex also objects to Interrogatory No. 13 on the grounds that it seeks information that is not relevant to the issues in this

action and not reasonably calculated to lead to the discovery of admissible evidence, such as: (1) information regarding Immunex products not at issue in this case; (2) information regarding products purchased outside Wisconsin; and (3) information regarding products not reimbursed by Wisconsin Medicaid. Immunex further objects to Interrogatory No. 13 on the grounds that it seeks information regarding sales after November 2002, as Immunex has not sold or marketed any drugs since that date at the latest. Immunex further objects to Interrogatory No. 13 to the extent it seeks information that is a matter of public record, is equally available to Plaintiff, or is already in the possession of Plaintiff. Immunex also objects to Interrogatory No. 13 to the extent it seeks to expand upon or alter Immunex's obligations under the Wisconsin statutes.

Notwithstanding these objections and without waiving them, Immunex answers that it has already produced data from which the answer to part of Interrogatory No. 13 may be obtained.

December 10, 2007.



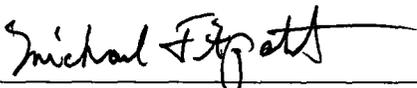
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CERTIFICATE OF SERVICE

I hereby certify that on December 10, 2007, a true and correct copy of Immunex Corporation's Responses and Objections to Plaintiff's Fifth Set of Interrogatories to All Defendants was served upon all counsel of record via Lexis Nexis File & Serve.



Michael R. Fitzpatrick