



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. Mylan 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. Mylan 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. Mylan will provide information relating only to pharmaceutical products identified in the Second Amended Complaint.

6. Mylan objects to the Interrogatory on the grounds that it is unduly burdensome to the extent that it purports to require Mylan 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 Mylan has produced or will produce.

7. Mylan 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 Mylan's right to assert the applicability of any privilege or immunity to the

information, and any such information shall be returned to Mylan's counsel immediately upon discovery thereof.

8. Mylan 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. Mylan 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 Mylan 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 Mylan as to the existence or non-existence of any information.

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

15. Mylan 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. Mylan objects to the Interrogatory to the extent it seeks to impose on Mylan 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. Mylan 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. Mylan 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.

**MYLAN'S RESPONSE AND OBJECTIONS**

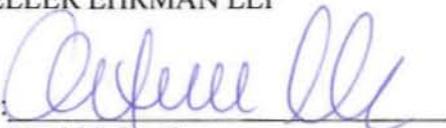
Mylan objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Mylan further objects to this Interrogatory as overbroad and unduly burdensome because it covers a period of more than fourteen years and a period of time outside the scope relevant to this action. Mylan further objects to this Interrogatory to the extent it seeks information concerning drugs not at issue in this action. Mylan further objects to this Interrogatory to the extent it seeks information concerning matters outside the State of Wisconsin. Mylan 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". Mylan further objects to this Interrogatory to the extent it purports to require Mylan to create or analyze data that Plaintiff itself has the ability to create or analyze by reviewing the documents and data that Mylan has produced or will produce. Mylan further objects to this Interrogatory to the extent it seeks information unknown to Mylan, equally available to Wisconsin, or already within the possession of Wisconsin. Mylan 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, Mylan states that it will produce transactional data from which the answer to part of Interrogatory No. 13 may be obtained and directs Plaintiff to the Medicaid Rebate Program data in Plaintiff's possession.

Dated: December 10, 2007.

**AS TO OBJECTIONS**

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STATE OF WISCONSIN

CIRCUIT COURT  
Branch 9

DANE COUNTY

STATE OF WISCONSIN,

Plaintiff,

v.

ABBOTT LABORATORIES, et. al.,

Defendants.

Case No.: 04-CV-1709

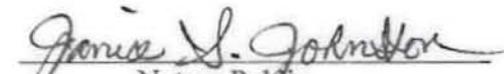
**VERIFICATION OF DEFENDANTS MYLAN PHARMACEUTICALS  
INC.'S AND MYLAN INC.'S RESPONSE AND OBJECTIONS  
TO PLAINTIFF'S FIFTH SET OF INTERROGATORIES**

Brian S. Roman, being duly sworn, states that he is the Vice President and General Counsel of Mylan Pharmaceuticals Inc., that he has read the foregoing Response and Objections to Plaintiff's Fifth Set of Interrogatories, and that the same is true to the best of his own knowledge and belief.

COMMONWEALTH OF PENNSYLVANIA  
Notarial Seal  
Janice S. Johnston, Notary Public  
Cecil Twp., Washington County  
My Commission Expires June 7, 2011  
Member, Pennsylvania Association of Notaries

  
Brian S. Roman  
Vice President and General Counsel  
Mylan Pharmaceuticals Inc.

Sworn to and subscribed before me  
this 10<sup>th</sup> day of December, 2007

  
Notary Public