
STATE OF WISCONSIN,

Plaintiff,

Case No. 04-CV-1709
Unclassified Civil: 30703

v.

AMGEN INC., et al.,

Defendants.

**DEFENDANT MYLAN LABORATORIES INC.'S AND MYLAN PHARMACEUTICALS
INC.'S RESPONSE AND OBJECTIONS TO PLAINTIFF STATE OF WISCONSIN'S
INTERROGATORIES NO. 4 (TO ALL DEFENDANTS)**

Pursuant to Wisconsin Statutes §§ 804.01 and 804.08 (the "Wisconsin Rules") Defendants Mylan Laboratories Inc. and Mylan Pharmaceuticals Inc. ("Mylan"), by its undersigned counsel, asserts the following responses and objections to Plaintiff State of Wisconsin's Interrogatories No. 4 (To All Defendants) (the "Interrogatory"), dated January 16, 2007, and propounded by Plaintiff State of Wisconsin ("Plaintiff," the "State," or "Wisconsin"), as follows:

GENERAL OBJECTIONS

1. Mylan objects to the Interrogatory to the extent it seeks to impose duties and obligations on Mylan greater than Mylan's duties and obligations under the Wisconsin Rules of Civil Procedure and any applicable local rules. Mylan will comply with its duties and obligations under the Wisconsin Rules of Civil Procedure and any applicable local rules.

2. Mylan provides its response subject to the Protective Order, entered on November 29, 2005, in this action.

3. Mylan objects to the Interrogatory to the extent it is premature, vague, ambiguous, unduly burdensome, overbroad, oppressive or duplicative, and not limited to the 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 compile, analyze, compute, and/or summarize voluminous data or information that Plaintiff has the ability to create or analyze 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. Mylan objects to these Interrogatory to the extent it seeks information already in Plaintiff's knowledge, possession and/or control, or information to which Plaintiff has equal access.

11. Mylan objects to the Interrogatory to the extent that it demands the production of information: (a) not within the knowledge, possession, custody, or control of Mylan, their agents, or their employees; (b) publicly available; or (c) more appropriately sought from third parties to whom requests have been or may be directed.

12. 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.

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

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

15. 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 require seek information relating to a period of time after the filing of the Complaint on or around June 3, 2004.

16. Mylan objects to the Interrogatory to the extent that it demands the production of proprietary information of third parties.

17. Mylan objects to any implications and to any explicit or implicit characterization of facts, events, circumstances, or issues in the Interrogatory. Any response by Mylan that it will provide information in connection with the Interrogatory, or that it has no information, is not intended to indicate that Mylan 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.

18. Mylan objects to the Interrogatory as overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence to the extent it seeks information concerning any discontinued product dated after the date of such product's discontinuation.

19. 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.

20. Mylan objects to the Interrogatory to the extent it seeks information relating to Mylan's activities other than those which concern the State, on the grounds that such information is neither relevant to the subject matter of this action nor reasonably calculated to lead to the discovery of admissible evidence.

21. 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.

OBJECTIONS TO DEFINITIONS AND INSTRUCTIONS

1. Mylan objects to Plaintiff's definition of "You", "Your" and "Your Company" on the grounds that it is overly broad and unduly burdensome. Mylan further objects to this definition to the extent it includes entities and persons that are not parties to this action.

2. Mylan objects to Plaintiff's definition of "Document" and "Documents" on the grounds that it is vague, ambiguous, and overbroad. Mylan further objects to this definition to the extent it includes documents that are protected by the attorney-client privilege, the work product doctrine, or any other applicable doctrine or privilege. Mylan further objects to this definition to the extent it seeks to impose obligations on Mylan that are greater than, or inconsistent with, Mylan's obligations under the Wisconsin Rules. Mylan further objects to this definition to the extent it purports to include within its scope documents or information containing or consisting of proprietary information, trade secrets, or information of a competitively sensitive nature.

3. Mylan objects to the instructional paragraphs preceding the individual Document Requests (the “Instructions”) on the grounds that the Instructions are vague, ambiguous, and overly broad. Mylan further objects to the Instructions as unduly burdensome to the extent they seek to impose on Mylan obligations inconsistent with, or greater than, Mylan’s obligations under the Wisconsin Rules.

RESPONSE AND OBJECTIONS TO INTERROGATORY NO. 12

INTERROGATORY NO. 12:

With respect to the facts which you identify in response to interrogatories No. 6 and No. 8 (attached) 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.

MYLAN’S RESPONSE AND OBJECTIONS

Mylan objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, and fails to identify with sufficient particularity the information sought. Mylan further objects to this Interrogatory on the grounds that it purports to impose obligations that exceed those imposed by the Wisconsin Rules. Mylan also objects to this Interrogatory because Mylan has not yet fully identified all individuals who may have knowledge of all of the facts that support Mylan’s denials and Affirmative Defenses since discovery and investigation remain ongoing. Mylan reserves the right to assert additional objections to this Interrogatory as appropriate and to amend or supplement its response and objections in accordance with the applicable rules and court orders and based on results of its continuing investigation.

Subject to and without waiving the foregoing general and specific objections, Mylan states that:

a. The following Mylan employees have knowledge of the information contained in the portions Mylan's responses to interrogatories No. 6 and 8 verified by Mylan:

- (i) Joe Duda
- (ii) Robert Potter
- (iii) Dave Workman
- (iv) Bob Tighe
- (v) Jim Abrams
- (vi) Steve Krinke

b. Mylan believes that, based on information developed in the course of this case, the following individuals have knowledge of the facts identified in response to Interrogatory No. 6, subparagraphs (b), (d), and (f) through (n), and in response to Interrogatory No. 8, subparagraphs (j), (l), (q), (m), (t), (v), (y), (bb), and (ee):

- (i) Linda Boone Abbott, Department of Health and Human Services, Office of Evaluation and Inspections ("OEI")
- (ii) Suzanne Bailey, OEI
- (iii) Peggy Bartels, Wisconsin Department of Health and Family Services ("Wisconsin DHFS")
- (iv) Erin Bliss, OEI
- (v) Peter Blouke, Montana Department of Public Health and Human Services ("Montana DPHHS")
- (vi) Charles Booth, Department of Health and Human Services, Centers for Medicare and Medicaid Services ("CMS")
- (vii) Randal Bowsher, Montana DPHHS
- (viii) Denise Brunett, Montana DPHHS
- (ix) Margaret Bullock, Montana DPHHS
- (x) Isabelle Buonocore, OEI

- (xi) Jeff Buska, Montana DPHHS
- (xii) Edward K. Burley, OEI
- (xiii) Mike Boushon, Wisconsin DHFS
- (xiv) Madeline Carpinelli, OEI
- (xv) Pamela Carson, CMS
- (xvi) John Chappuis, Montana DPHHS
- (xvii) Mary Beth Clarke, OEI
- (xviii) Natalie Coen, OEI
- (xix) Mary Angela Collins, Montana DPHHS
- (xx) Theodore Collins, Wisconsin DHFS
- (xxi) Gary Crayton, Florida Agency for Health Care Administration (“Florida AHCA”)
- (xxii) Dr. Alfred Dally, Wisconsin DHFS
- (xxiii) Mary Dalton, Montana DPHHS
- (xxiv) Tricia Davis, OEI
- (xxv) Chris Decker, Pharmacy Society of Wisconsin
- (xxvi) Nancy-Ann Min DeParle, CMS
- (xxvii) Charles Duarte, Nevada Division of Health Care Financing and Policy (“Nevada DHCFFP”)
- (xxviii) David DuPre, CMS
- (xxix) Tanaz Dutia, OEI
- (xxx) Ken Dybevik, Wisconsin DHFS
- (xxxii) Yvonne Dyson, CMS
- (xxxiii) Dr. Emmanuel Ebo, Nevada Mental Health and Behavioral Health Services
- (xxxiii) Nancy Ellery, Montana DPHHS

- (xxxiv) Ayana Everett, OEI
- (xxxv) Kevin Farber, OEI
- (xxxvi) Lisa A. Foley, OEI
- (xxxvii) Karen Folk, OEI
- (xxxviii) Linda Frisch, OEI
- (xxxix) Jennifer Gera, OEI
- (xl) Rob Gibbons, OEI
- (xli) David Graf, OEI
- (xlii) Carrie Gray, Wisconsin DHFS
- (xliii) Joyce M. Greenleaf, OEI
- (xliv) Rita Hallet, Wisconsin DHFS
- (xlv) Cynthia Hansford, OEI
- (xlvi) Allan Hansen, Myers & Stauffer LC
- (xlvii) Cheryl A. Harris, CMS
- (xlviii) Russell W. Hereford, OEI
- (xlix) Michael Hillerby, State of Nevada
- (l) Scott Horning, OEI
- (li) Charles Hunter, Montana DPHHS
- (lii) Jeffrey Ireland, Montana DPHHS
- (liii) Michael Jackson, Florida Pharmacy Association
- (liv) Robert A. Katz, OEI
- (lv) Charles W. Kazlett, CMS
- (lvi) Janet Kilian, OEI
- (lvii) Ruben J. King-Shaw, Jr., Florida AHCA
- (lviii) George Kitchens, Florida AHCA

- (lix) Tom Komaniecki, OEI
- (lx) Terry Krantz, Montana DPHHS
- (lxi) Martha B. Kvall, OEI
- (lxii) Fred Kwan, OEI
- (lxiii) Daniel Lai, OEI
- (lxiv) Shane Lanzo, OEI
- (lxv) Mary Lau, Retail Association of Nevada
- (lxvi) Cynthia Lawrence, Nevada DHCFP
- (lxvii) Erin Lemire, OEI
- (lxviii) Amy Lin, OEI
- (lxix) Patti Loyack, OEI
- (lxx) Keith MacDonald , Nevada DHCFP
- (lxxi) George F. MacKenzie, Wisconsin DHFS
- (lxxii) Benjamin T. Mahdi, OEI
- (lxxiii) Shannon Marr, Montana DPHHS
- (lxxiv) Ann Maxwell, OEI
- (lxxv) Barry McCoy, OEI
- (lxxvi) Lauren McNulty, OEI
- (lxxvii) Susan McLeod, Florida AHCA
- (lxxviii) Emily Melnick, OEI
- (lxxix) Nancy Molyneaux, OEI
- (lxxx) Neil Montavani, OEI
- (lxxxii) Mark Moody, Wisconsin DHFS
- (lxxxii) William Moran, OEI
- (lxxxiii) Linda Moscoe, OEI

- (lxxxiv) Kathy Munson, Montana DPHHS
- (lxxxv) Carol Neeno, Wisconsin DHFS
- (lxxxvi) Helene Nelson, Wisconsin DHFS
- (lxxxvii) Robert Nieman, CMS
- (lxxxviii) Christine Nye, Wisconsin DHFS
- (lxxxix) Laurie Olson, Nevada State Pharmacy Assistance Program
- (xc) Andrew Peterson, OEI
- (xci) Daniel Wade Peterson, Montana DPHHS
- (xcii) Kevin Piper, Wisconsin DHFS
- (xciii) Dorothy Poulsen, Montana DPHHS
- (xciv) Duane Preshinger, Montana DPHHS
- (xcv) Kenneth R. Price, OEI
- (xcvi) Robert Sharpe, Florida AHCA
- (xcvii) Lourdes Puntonet, OEI
- (xcviii) Linda Ragone, OEI
- (xcix) Vivek Rao, OEI
- (c) Lucille M. Rinaldo, CMS
- (ci) Brian Ritchie, OEI
- (cii) Thomas J. Robertson, OEI
- (ciii) Craig Schneider, OEI
- (civ) Louise Schoggen, OEI
- (cv) David Schrag, OEI
- (cvi) Amy Sernyak, OEI
- (cvii) Thomas Scully, CMS
- (cviii) Ethan Shaw, OEI

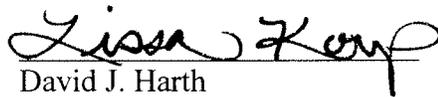
- (cix) Jim Smith, Smith & McGowan
- (cx) Laurie Squartsoff, Nevada DHCFP
- (cxi) Elise Stein, OEI
- (cxii) Mark Stiglitz, OEI
- (cxiii) Chester Stroyny, CMS
- (cxiv) Timothy Stratton, University of Montana
- (cxv) Sue Sutter, Marshland Pharmacy
- (cxvi) Ronald Swenson, Nevada Department of Information Technology
- (cxvii) David Tawes, OEI
- (cxviii) Barbara Tedesco, OEI
- (cxix) Christopher Thompson, Nevada DHCFP
- (cxx) Penny Thompson, OEI
- (cxxi) April Townley, Nevada DHCFP
- (cxxii) Ivan E. Troy , OEI
- (cxxiii) James Vavra, Wisconsin DHFS
- (cxxiv) David Veroff, OEI
- (cxxv) Robert A. Vito, OEI
- (cxxvi) Bruce Vladeck, CMS
- (cxxvii) Stuart R. Wright, OEI
- (cxxviii) Jerry Wells, Florida AHCA
- (cxxix) Alan White, Wisconsin DHFS
- (cxxx) Mike Willden, Nevada Department of Health and Human Services
- (cxxxii) Donna Wong, Wisconsin Office of the Governor
- (cxxxii) Mark R. Yessian, OEI

c. Mylan believes that, based on information developed in the course of this case, the following individuals who are currently or previously employed by First DataBank have knowledge of how pricing compendia determine published AWP's and WACs:

- (i) Joseph Hirschmann;
- (ii) Patricia Kay Morgan;
- (iii) James Breen; and
- (ix) Ed Edelstein.

Dated: April 4, 2007.

AS TO ALL OBJECTIONS:



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