

IN THE CIRCUIT COURT OF DANE COUNTY, WISCONSIN

<p>THE STATE OF WISCONSIN,</p> <p>Plaintiff,</p> <p>v.</p> <p>ABBOTT LABORATORIES, INC., ET AL.,</p> <p>Defendants.</p>	<p>Case No. 04-1709</p> <p>OCT 12 2005</p> <p>WI DEPARTMENT OF JUSTICE LEGAL</p>
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**DEFENDANTS MYLAN LABORATORIES INC.'S AND
MYLAN PHARMACEUTICALS INC.'S FIRST SUPPLEMENTAL RESPONSES AND
OBJECTIONS TO PLAINTIFF'S FIRST SET OF INTERROGATORIES TO ALL
DEFENDANTS**

TO: The State of Wisconsin

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Pursuant to Wisconsin Statutes §§ 804.01 and 804.08, the Wisconsin Supreme Court Rules, and the Dane County Circuit Court Rules (the "Wisconsin Rules"), defendants Mylan Laboratories Inc. and Mylan Pharmaceuticals Inc. (collectively, the "Mylan Defendants"), by their undersigned counsel, hereby assert the following supplemental responses and objections to Plaintiff's First Set of Interrogatories To All Defendants (the "Interrogatories"), dated January 27, 2005 and propounded by plaintiff the State of Wisconsin (the "State"), as follows:

**RESERVATION OF RIGHTS, GENERAL OBJECTIONS,
DEFINITIONS AND SPECIFIC OBJECTIONS**

The Mylan Defendants expressly incorporate all of the Reserved Rights, General Objections, Objections to Definitions and Specific Objections set forth in the Mylan Defendants' Responses and Objections to Plaintiff's First Set of Interrogatories To All Defendants into each and every supplement response to the Interrogatories. Any specific objections provided below are made in addition to the Reserved Rights, General Objections, Objections to Definitions and Specific Objections and a failure to reiterate a Reserved Right, General Objection, Objection to Definitions and/or Specific Objection below shall not constitute a waiver of such or any other objection.

SUPPLEMENTAL RESPONSES AND OBJECTIONS TO INTERROGATORIES

Subject to the Reserved Rights, General Objections, Objections to Definitions and Specific Objections, and without waiving and expressly preserving all such rights and objections, which are hereby incorporated into the supplemental response and objection to each Interrogatory, the Mylan Defendants further respond and object to the State's Interrogatories as follows:

INTERROGATORY NO. 1:

Have you ever determined an average sales price or other composite price net of any or all Incentives for a Targeted Drug during the Defined Period of Time? If so, for each Targeted Drug for which you have made such a determination, identify:

- (a) the beginning and ending dates of each period applicable to each such determination;
- (b) the applicable class(es) of trade for which each determination was made;
- (c) each average sales price or composite price determined;
- (d) the person(s) most knowledgeable regarding the determinations;
- (e) the methodology used to determine such prices;

- (f) your purpose(s) in making such determinations;
- (g) whether you disclosed any average sales price or composite price so determined to any publisher, customer, or governmental entity. If so, identify each publisher, customer or governmental entity to whom each such price was disclosed and the corresponding date of the disclosure; and
- (h) whether any such average sales price or composite price was treated as confidential or commercially sensitive financial information.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 1:

Subject to and without waiving any of the objections set forth in the Mylan Defendants' Response to Interrogatory No. 1, the General Objections, or the Reserved Rights, the Mylan Defendants respond as follows: the Mylan Defendants have not affirmatively "determined" a "composite net price" for any of its products. In accordance with applicable laws and regulations, however, defendant Mylan Pharmaceuticals Inc. has determined an average sales price, pursuant to 42 U.S.C. § 1395w-3a, and/or an average manufacturer price, pursuant to 42 U.S.C. § 1396r-8, for one or more its products from January 1, 1993 to the present.

(a) With respect to average sales price, such amount has been determined on a quarterly basis beginning on or about October 31, 2004. With respect to average manufacturer price, such amount has been determined on a quarterly basis beginning on or about April 30, 1993.

(b) Determinations of average sales price and average manufacturer price were not made for a class(es) of trade. By way of further answer, see response to (f) below.

(c) Non-privileged documents from which each average sales price and average manufacturer price can be obtained for period(s) of time that such documents exist will be produced subject to the Temporary Qualified Protective Order entered by the Court of May 11, 2005.

(d) James Mastakas is most knowledgeable regarding average sales price and average manufacturer price determinations.

(e) Average sales price and average manufacturer price were determined using methodology set forth in the applicable laws and regulations.

(f) Average sales price and average manufacturer price were determined to comply with the reporting obligations set forth in the applicable laws and regulations.

(g) Average sales price and average manufacturer price have been disclosed on a quarterly basis to the Centers for Medicare and Medicaid Services. Average manufacturer price has been disclosed to divisions of the following state governments which administer Medicaid and/or Medicare Part B programs – Texas, Maine and New Mexico.

(h) Average sales price and average manufacturer price disclosed to the entities identified in (g) above were treated as confidential and commercially sensitive financial information pursuant to the applicable laws and regulations under which such disclosure was made.

INTERROGATORY NO. 2:

Identify each electronic database, data table or data file that you now maintain or have maintained during the Defined Period of Time in the ordinary course of business which contains a price for a Targeted Drug. For each such electronic data entity, identify, describe or produce the following:

- (a) the name or title of each such database, data table, or data file;
- (b) the software necessary to access and utilize such data entities;
- (c) describe the structure of each database, data table or data file identified in response to Request No. 2(a) above and identify all files or tables in each such database, data table or data file. For each such file or table, identify all fields and for each field describe its contents, format and location within each file or table record or row;
- (d) the current or former employee(s) with the most knowledge of the operation or use of each data entity identified above; and

- (e) the custodian(s) of such data entity.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 2:

Subject to and without waiving any of the objections set forth in the Mylan Defendants' Response to Interrogatory No. 2, the General Objections, or the Reserved Rights, the Mylan Defendants respond as follows: pricing data relating to defendant Mylan Pharmaceuticals Inc.'s products is and has been maintained electronically. The Mylan Defendants will designate one or more individual(s) knowledgeable regarding such. Non-privileged documents from which remaining answers to this Interrogatory can be obtained for period(s) of time that such documents exist will be produced subject to the Temporary Qualified Protective Order entered by the Court of May 11, 2005.

INTERROGATORY NO. 3:

Describe each type of Incentive you have offered in conjunction with the purchase of any Targeted Drug. For each such Incentive, identify:

- (a) the type(s) of Incentive(s) offered for each Targeted Drug;
- (b) the class(es) of trade eligible for each Incentive;
- (c) the general terms and conditions of each Incentive; and
- (d) the beginning and ending dates of each period during which the Incentive was offered.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 3:

Subject to and without waiving any of the objections set forth in the Mylan Defendants' Response to Interrogatory No. 3, the General Objections, or the Reserved Rights, the Mylan Defendants respond as follows: from time to time since January 1, 1993, defendant Mylan Pharmaceuticals Inc. has offered one or more of the following incentives to the retail class of trade in connection with the purchase of one or more of its products – shelf-stock allowances, customer performance discounts, promotion discounts, prompt pay discounts, volume discounts,

new store discounts and rebates. The terms and conditions associated with such incentives vary by purchaser and by product. Non-privileged documents from which remaining answers to this Interrogatory can be obtained for period(s) of time that such documents exist will be produced subject to the Temporary Qualified Protective Order entered by the Court of May 11, 2005.

INTERROGATORY NO. 4:

Describe in detail how you determined each price you used in the ordinary course of business of each Targeted Drug for each year during the Defined Period of Time and identify the person(s) most knowledgeable in making such determinations for each Targeted Drug for each year.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 4:

Subject to and without waiving any of the objections set forth in the Mylan Defendants' Response to Interrogatory No. 4, the General Objections, or the Reserved Rights, the Mylan Defendants respond as follows: the pricing of defendant Mylan Pharmaceuticals Inc.'s products is a function of competition in the marketplace. Robert Cunard is currently the most knowledgeable person in that regard. Non-privileged documents from which remaining answers to this Interrogatory can be obtained for period(s) of time that such documents exist will be produced subject to the Temporary Qualified Protective Order entered by the Court of May 11, 2005.

INTERROGATORY NO. 5:

Have you ever included in your marketing of a Targeted Drug to any customer reference to the difference (or spread) between an AWP or WAC published by First DataBank, Redbook, or Medi-span and the list or actual price (to any customer) of any Targeted Drug? If so, provide the following information for each Targeted Drug:

- (a) the drug name and NDC;
- (b) the beginning and ending dates during which such marketing occurred;
- (c) the name, address and telephone number of each customer to whom you marketed a Targeted Drug in whole or in part by making a reference to such difference(s) or spread(s); and

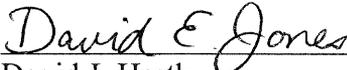
- (d) identify any document published or provided to a customer which referred to such difference(s) or spread(s).

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 5:

Subject to and without waiving any of the objections set forth in the Mylan Defendants' Response to Interrogatory No. 5, the General Objections, or the Reserved Rights, the Mylan Defendants respond as follows: the term "spread" is not typically used by personnel of the Mylan Defendants. While personnel occasionally conduct internal analyses of relative pricing, and occasionally respond to inquiries from customers relating to such pricing, it is the Mylan Defendants' policy not to make affirmative use of the "spread" in its distribution, marketing, sales, or promotion activities.

Dated: October 7, 2005

As to Objections:



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VERIFICATION AS TO RESPONSES

The undersigned, being duly sworn, states that he/she is authorized to execute the foregoing Defendants Mylan Laboratories Inc.'s Mylan Pharmaceuticals Inc.'s First Supplemental Responses and Objections to Plaintiff's First Set of Interrogatories To All Defendants (the "Responses") on behalf of Defendants Mylan Laboratories Inc. and Mylan Pharmaceuticals Inc., that he/she has read the foregoing Responses, that said Responses are true to the best of his/her knowledge, information, and belief, and that said Responses are made under the pains and penalties of perjury.



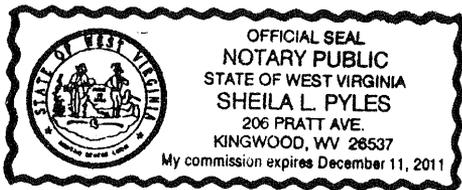
Name: Brian S. Roum,
Title: LITIGATION COUNSEL

Mylan Laboratories Inc.
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SUBSCRIBED AND SWORN TO
Before me this 7th day of October, 2005



Notary Public



CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of October 2005, a true and correct copy of Defendants Mylan Laboratories Inc.'s and Mylan Pharmaceuticals Inc.'s First Supplemental Responses and Objections to Plaintiff's First Set of Interrogatories to All Defendants was served upon Plaintiff the State of Wisconsin's counsel, listed below, by facsimile and U.S. Mail and upon Defendants' counsel by electronic mail.

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