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December 10, 2007

***Via First Class Mail***

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Re: *State of Wisconsin v. Amgen Inc., et al.*  
Case No. 04 CV 1709

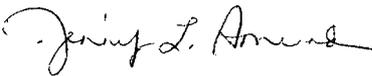
Dear Counsel:

Enclosed please find Novartis Pharmaceuticals Corporation's Response and Objections to Plaintiff State of Wisconsin's Fifth Set of Interrogatories to All Defendants, being served to all counsel via LexisNexis File and Serve as shown below. The original has been retained pursuant to the statute.

If you have any questions, don't hesitate to call.

Sincerely,

SOLHEIM BILLING & GRIMMER, S.C.

By   
Jennifer L. Amundsen

JLA/jck

Enclosure

cc: All Counsel of record (*via LNFS; w/ enclosure*)  
Atty. Christine Braun (*via email; w/ enclosure*)  
Atty. Kim Grimmer (*via email; w/ enclosure*)

STATE OF WISCONSIN

CIRCUIT COURT  
Branch 7

DANE COUNTY

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STATE OF WISCONSIN,

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

Plaintiff,

v.

AMGEN INC., et al.,

Defendants.

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**NOVARTIS PHARMACEUTICALS CORPORATION'S RESPONSE AND  
OBJECTIONS TO PLAINTIFF STATE OF WISCONSIN'S FIFTH SET OF  
INTERROGATORIES TO ALL DEFENDANTS**

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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 (collectively, the "Wisconsin Rules"), Defendant Novartis Pharmaceuticals Corporation ("NPC"), by its undersigned counsel, responds as follows to Plaintiff State of Wisconsin's Fifth Set of Interrogatories served on or about November 8, 2007 (the "Interrogatory"):

**GENERAL OBJECTIONS**

A. By responding to this Interrogatory, NPC does not waive or intend to waive: (i) any objections as to the competency, relevancy, materiality, or admissibility as evidence, for any purpose, of any information provided in response to this Interrogatory; (ii) the right to object on any ground to the use of the information provided in response to this Interrogatory at any hearing or trial; (iii) the right to object on any ground at any time to a demand for further responses to this Interrogatory; or (iv) the right at any time to revise, correct, add to, supplement, or clarify any of the responses contained herein.

B. NPC objects to this Interrogatory to the extent that it purports to seek information protected by the attorney-client privilege, work-product doctrine, common-interest doctrine, joint-defense privilege, or any other applicable privileges or protections.

C. No objection, or lack thereof, is an admission by NPC as to the availability or unavailability of any information.

D. The Response to this Interrogatory is based on NPC's investigation to date of those sources within its control where it reasonably believes responsive information may exist. NPC reserves the right to amend or supplement this Response in accordance with the Wisconsin Rules and Court orders with additional information, documents, or objections that may become available or come to NPC's attention, and to rely upon such information, documents, or objections in any hearing, trial, or other proceeding in this litigation.

E. NPC objects to this Interrogatory to the extent it seeks information not in NPC's possession, custody or control, publicly available information, information equally available to Plaintiff, or information more appropriately sought from third parties to whom subpoenas or requests could be or have been directed.

F. NPC objects to this Interrogatory to the extent it seeks information about conduct outside of the State of Wisconsin.

G. NPC objects to this Interrogatory to the extent it seeks information not contained in documents that currently exist at NPC and purport to require NPC to create, compile, or develop new documents.

H. Given the confidential and proprietary nature of the information requested, NPC's provision of information is subject to and in reliance upon the Protective Order entered in this action by the Circuit Court for Dane County, Wisconsin on November 29, 2005.

I. The information provided in response to this Interrogatory is for use in this litigation and for no other purpose.

J. NPC objects to this Interrogatory to the extent it seeks information outside of the limitations periods applicable to the claims in the Second Amended Complaint, or beyond the time period relevant to this litigation, 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. In addition, NPC objects to this Interrogatory to the extent it purports to require NPC to search for and produce information pertaining to the time period prior to January 1, 1997, the date NPC was created by operation of merger following approval by the Federal Trade Commission on December 17, 1996, or after September 30, 2003, the date on which the State of Nevada's Amended Complaint in the action styled *In Re Pharmaceutical Industry Average Wholesale Price Litigation* (D. Mass.), MDL No. 1456, brought by the Nevada Attorney General and containing similar allegations against NPC to those alleged by Plaintiff, was publicly filed, thereby placing Plaintiff on notice, no later than that date, of the allegations against NPC, on the grounds that such information is neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence. NPC's provision of any information pertaining to the time period before January 1, 1997, or after September 30, 2003, does not constitute a waiver of this objection.

**SPECIFIC RESPONSE AND OBJECTIONS TO  
INTERROGATORY NO. 13**

NPC expressly incorporates by reference each of the foregoing General Objections in the following Response to this Interrogatory as if fully set forth within. The inclusion of any Specific Objection to the Interrogatory in the Response below is neither intended as, nor shall in any way be deemed, a waiver of any General Objection or any other Specific Objection. In addition, the failure to include any General or Specific Objection to this Interrogatory at this time is neither intended as, nor shall in any way be deemed, a waiver of NPC's rights to assert that or any other objection at a later date.

**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.

**RESPONSE TO INTERROGATORY NO. 13:** NPC objects to Interrogatory No. 13 on the grounds that it is overly broad, unduly burdensome, and seeks information that is not relevant to the issues in this case and not reasonably calculated to lead to the discovery of admissible evidence, such as: (i) information concerning NPC drugs not at issue in this case; (ii) information concerning the "gross annual sales" of NPC's drugs in the United States when only sales made in Wisconsin to entities reimbursed by the Wisconsin Medicaid program are relevant to this case; and (iii) information concerning the percentage of NPC's "gross annual sales" that is attributable to "state Medicaid programs," when only the Wisconsin Medicaid program is relevant to this case. NPC further objects to Interrogatory No. 13 to the extent that it seeks information pertaining to the time period prior to January 1, 1997, the date on which NPC began doing

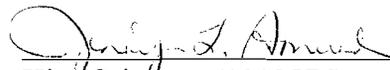
business in its current form as a result of a merger following approval by the Federal Trade Commission on December 17, 1996, and after September 30, 2003, the date on which the State of Nevada's Amended Complaint in the action styled *In Re Pharmaceutical Industry Average Wholesale Price Litigation* (D. Mass.), MDL No. 1456, brought by the Nevada Attorney General and containing similar allegations against NPC to those alleged by Plaintiff, was publicly filed, thereby placing Plaintiff on notice, no later than that date, of the allegations against NPC, on the grounds that such information is neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence. In addition, NPC states that its Response to Interrogatory No. 13 is made based upon the typical or usual interpretation of the words contained in Interrogatory No.13, given that no definitions or instructions have been provided.

Dated this 10th day of December 2007.

Respectfully submitted,

Novartis Pharmaceuticals Corporation

By its attorneys,



Kim Grimmer (1018576)

Jennifer L. Amundsen (1037157)

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