



Dec 10 2007  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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STATE OF WISCONSIN,	)	
	)	
	)	
Plaintiff,	)	Case No.: 04-CV-1709
	)	
v.	)	
	)	
ABBOTT LABORATORIES, INC., et al.,	)	
	)	
Defendants.	)	

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**PHARMACIA CORPORATION’S RESPONSES AND OBJECTIONS TO PLAINTIFF’S FIFTH SET OF INTERROGATORIES TO ALL DEFENDANTS**

Pursuant to the Wisconsin Rules of Civil Procedure §§ 804.01 and 804.08, defendant Pharmacia Corporation (“Pharmacia”), by its attorneys, objects and responds to Plaintiff’s Fifth Set of Interrogatories as follows:

**GENERAL OBJECTIONS**

1. These responses are made without in any way waiving or intending to waive: (i) any objections as to the competency, relevancy, materiality, privilege, or admissibility as evidence, for any purpose, information or documents produced in response to these Interrogatories; (ii) the right to object on any ground to the use of the documents or information produced in response to the Interrogatories at any hearings or at trial; or (iii) the right to object on any ground at any time for further responses to the Interrogatories; or (iv) its right at any time to revise, correct, add to, supplement, or clarify any of the responses contained herein.

2. Pharmacia has not completed its investigation and discovery relating to this case. The specific responses set forth below are based upon, and necessarily limited by, information now available to Pharmacia.

3. The information and documents supplied herein are for use in this litigation and for no other purpose.

4. Pharmacia objects to these Interrogatories to the extent that they seek documents and information that are neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence, are overly broad, unduly burdensome, ambiguous and vague.

5. Pharmacia objects to these Interrogatories to the extent they call for the production of documents or information protected from disclosure under the attorney-client privilege, the work product doctrine, or any other legally recognized privilege, immunity, or exemption from discovery. To the extent that any such protected documents or information are inadvertently produced in response to these Interrogatories, the production of such documents or information shall not constitute a waiver of Pharmacia's right to assert the applicability of any privilege or immunity to the documents or information, and any such documents or information shall be returned to Pharmacia's counsel immediately upon discovery thereof. Pharmacia further objects to the Interrogatories to the extent they seek information or documents generated or compiled in the course of the defense of this action or any other AWP litigation.

6. Pharmacia objects to these Interrogatories to the extent that they seek documents and information not within Pharmacia's possession, custody, or control or are more appropriately sought from third parties to whom requests have been or may be directed.

7. Pharmacia objects to these Interrogatories to the extent that they seek production of publicly available documents or information, or that which plaintiff can obtain from other sources.

8. Pharmacia objects to these Interrogatories to the extent they call for the production of trade secret, proprietary, commercially sensitive, or other confidential information.

9. Pharmacia objects to these Requests to the extent that they seek to impose discovery obligations that are broader than, or inconsistent with, Pharmacia's obligations under the Wisconsin Rules of Civil Procedure.

10. Pharmacia objects to any implications and to any explicit or implicit characterization of facts, events, circumstances, or issues in the Interrogatories. Pharmacia's response that it will produce documents in connection with a particular request, or that it has no responsive documents, is not intended to indicate that Pharmacia agrees with any implication or any explicit or implicit characterization of facts, events, circumstances, or issues in the Interrogatories or that such implications or characterizations are relevant to this action.

11. Pharmacia objects to the Interrogatories to the extent that they purport to require Pharmacia to provide a compilation, abstract, audit, and/or other document summary that does not currently exist.

12. Because of the nonspecific nature of the claims against Pharmacia in the Second Amended Complaint, it is not possible for Pharmacia to anticipate all possible grounds for objection with respect to the particular Interrogatories set forth herein. Pharmacia reserves the right to supplement or correct these answers and to raise any additional objections deemed necessary and appropriate in light of the results of any further review.

13. Pharmacia objects to Plaintiff's failure to provide any "Definitions" to the extent Plaintiff intends to expand upon or alter Pharmacia's obligations under the Court's Local Rules, and the Wisconsin Rules of Civil Procedure, in responding to the Interrogatories. Pharmacia will

comply with applicable rules of civil procedure in providing its Responses and Objections to Plaintiff's Fifth Set of Interrogatories.

14. Pharmacia objects to Plaintiff's defined period of time as being "[f]or each calendar year from 1993 to the present" on the grounds that the phrase as set forth is overbroad and burdensome, and purports to require the production of documents or information that are neither relevant to the subject matter of this litigation nor reasonably calculated to lead to the discovery of admissible evidence. Pharmacia further objects to this definition to the extent it seeks documents or information from outside the statute of limitations applicable to the claims in this litigation, or beyond the time period relevant to this litigation.

15. Pharmacia expressly incorporates the above General Objections into each specific response to the interrogatories set forth below as if set forth in full therein. The response to an interrogatory shall not operate as a waiver of any applicable specific or general objection to a request.

### **RESPONSES TO INTERROGATORIES**

**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:** Pharmacia objects to Interrogatory No. 13 and its subparts on the grounds that they are overly broad, unduly burdensome, and the phrases "gross annual sales," "drugs," and "attributable to Medicaid patients" are vague and ambiguous. Pharmacia also objects to Interrogatory No. 13 and its subparts on the grounds that they seek 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 for Pharmacia products not at issue in this case; (2) information for products purchased outside Wisconsin; (3) information for products not reimbursed by Wisconsin Medicaid; and (4) information for periods after the filing of the initial complaint in this action. Pharmacia further objects to Interrogatory No. 13 and its subparts to the extent they seek information that is equally available to Plaintiff, or is already in the possession of Plaintiff. Pharmacia also objects to Interrogatory No. 13 and its subparts to the extent they seek to expand upon or alter Pharmacia's obligations under the Wisconsin statutes.

December 10, 2007

By:

/s/Beth Kushner \_\_\_\_\_  
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**Certificate of Service**

I, Jamie M. McCall, hereby certify that on this 10th day of December, 2007, a true and correct copy of PHARMACIA INC.'S RESPONSES AND OBJECTIONS TO PLAINTIFF'S FIFTH TO ALL DEFENDANTS was served on all counsel of record by Lexis Nexis File & Serve®.

/s/ Jamie M. McCall  
Jamie M. McCall