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

**PHARMACIA CORPORATION’S RESPONSES AND OBJECTIONS TO PLAINTIFF’S
THIRD SET OF INTERROGATORIES AND FOURTH REQUEST
FOR PRODUCTION OF DOCUMENTS TO ALL DEFENDANTS**

Pursuant to the Wisconsin Rule of Civil Procedure 804.08, defendant Pharmacia Corporation (“Pharmacia”), by its attorneys, objects and responds to Plaintiff’s Third Set of Interrogatories and Fourth Request for Production of Documents to All Defendants (“Plaintiff’s Requests”) as follows:

PRELIMINARY STATEMENT

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 Requests; (ii) the right to object on any ground to the use of the documents or information produced in response to the Requests at any hearings or at trial; or (iii) the right to object on any ground at any time for further responses to the Requests; 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 and any production made pursuant to the accompanying

document requests 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 Requests 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 Requests 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 Requests, 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.

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

8. Pharmacia's responses to these Requests are submitted without prejudice to Pharmacia's right to produce evidence of any subsequently discovered fact. Pharmacia accordingly reserves its right to produce further responses and answers as additional facts are ascertained.

9. Pharmacia's responses to these Requests contain information subject to the Protective Order in this matter and must be treated accordingly.

10. 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.

11. Pharmacia objects to any implications and to any explicit or implicit characterization of facts, events, circumstances, or issues in these Requests. 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 Requests or that such implications or characterizations are relevant to this action.

12. Pharmacia objects to the definition of the terms "you," "your," and "your company" on the grounds that it is vague, ambiguous and overbroad. The responses herein are made on behalf of Pharmacia Corporation.

13. Pharmacia objects to the definition of the word "Document(s)" on the grounds that it is vague and ambiguous and to the extent that it seeks to impose obligations beyond those imposed by the applicable Wisconsin Rules of Civil Procedure. Pharmacia further objects to this definition to the extent that it purports to require Pharmacia to identify or produce documents or data in a particular form or format, to convert documents or data into a particular file format, to

produce documents or data on any particular media, to search for and/or produce or identify documents or data on back-up tapes, to produce any proprietary software, data, programs or databases, to violate any licensing agreement or copyright laws, or to produce data, fields, records, or reports about produced documents or data. The production of any documents or data or the provision of other information by Pharmacia as an accommodation to Plaintiff shall not be deemed to constitute a waiver of this objection.

14. Pharmacia expressly incorporates the above General Objections into each specific response to Plaintiff's Requests set forth below as if set forth in full therein. A response to Plaintiff's Requests shall not operate as a waiver of any applicable specific or general objection.

RESPONSES AND OBJECTIONS TO INTERROGATORIES

INTERROGATORY NO. 6:

With respect to any allegation of the Amended Complaint which you denied in your Answer state each fact that supports each such denial.

RESPONSE TO INTERROGATORY NO. 6:

Pharmacia objects to Interrogatory No. 6 on the grounds that it is overly broad and unduly burdensome. Pharmacia further objects to this Interrogatory to the extent it seeks information protected by the work-product doctrine. Pharmacia also objects to this Interrogatory to the extent it seeks information related to Pharmacia's denials that are based in whole or part on the application of applicable laws or legal conclusions. Moreover, Pharmacia objects to this Interrogatory as premature because Pharmacia has not yet fully identified all facts that may support its denials since investigation and discovery remain ongoing. Pharmacia also objects to this Interrogatory to the extent it essentially would require Pharmacia to identify facts and information designed to prove a negative.

Subject to and without waiving these objections, Pharmacia responds that, based upon diligent review and investigation to date, the following facts, among others, generally support its denials to the allegations of Plaintiff's Second Amended Complaint:

1. Pharmacia did not engage in conduct that was improper, fraudulent, or unlawful as alleged in Plaintiff's Second Amended Complaint.
2. Pharmacia does not have a policy encouraging or supporting the marketing or manipulating of the spread between the published average wholesale price ("AWP") and the actual acquisition costs ("AAC") for its products. Instead, Pharmacia's policies provide that its products should be marketed based on their clinical efficacy and other product attributes.
3. Pharmacia did not publish the AWP for its products. The AWP for Pharmacia's products were published by the pricing compendia.
4. It was commonly known within certain governmental agencies and within the pharmaceutical industry and by those involved with reimbursement that there was a mark-up between the wholesale acquisition costs ("WAC") and the published AWP.
5. It was commonly known within certain governmental agencies and within the pharmaceutical industry and by those involved with reimbursement that published AWP did not represent actual averages of wholesale prices.
6. Plaintiff, including the Secretary of the Department of Health and Family Services ("DHFS"), Division of Health Care Financing, Governor's Office, Legislative Fiscal Bureau, Joint Committee on Finance, and Department of Administration, was aware that published AWP did not represent actual averages of wholesale prices for Pharmacia's products.
7. Since at least 1989, Plaintiff has received directives and/or reports from the federal government that AWP does not represent the actual average of wholesale prices.
8. Plaintiff has periodically considered, and rejected, alternative pharmaceutical reimbursement methodologies, including methodologies that were not AWP-based.
9. In adopting its various reimbursement methodologies over time, Plaintiff adopted and utilized these methodologies to further program goals, including ensuring access.
10. Plaintiff continues to reimburse providers who participate in its Medicaid program for pharmaceuticals based on AWP.

11. Pharmacia did not misrepresent or inflate the wholesale acquisition cost (“WAC”) or AWP for its products.
12. Pharmacia operates in a competitive environment as a result of which contracts and pricing terms are properly protected confidential business information.
13. As a matter of company policy, Pharmacia does not encourage or support the use of free drugs or grants as a means of discounting the overall price of its products.
14. Plaintiff was free at all times to change its pharmaceutical reimbursement under its Medicaid program to a non-AWP based methodology.
15. Pharmacia is unaware of Plaintiff ever enacting a statutory or regulatory definition of AWP.
16. Plaintiff was free at all times to require pharmaceutical manufacturers to provide it with their Best Price and/or AMP data as a condition of preferred access to their drugs by Medicaid beneficiaries.
17. Pharmacia never affirmatively represented to Plaintiff that the AWP published for its products represented an actual average of wholesale prices.
18. Plaintiff was aware that pharmaceutical manufacturers provided discounts to customers.

Pharmacia expressly reserves the right to supplement this Interrogatory Response in the future as necessary.

INTERROGATORY NO. 7:

Identify each document that supports each such denial.

RESPONSE TO INTERROGATORY NO. 7:

Pharmacia objects to Interrogatory No. 7 on the same grounds as those set forth in its Answer to Interrogatory No. 6 and incorporates those objections herein. In addition, Pharmacia objects to Interrogatory No. 7 to the extent it seeks information that is publicly available or outside Pharmacia’s possession, custody and control.

Subject to and without waiving these objections, Pharmacia responds that, based upon diligent review and investigation to date, the following categories of documents, among others, generally support its denials to the allegations of Plaintiff's Second Amended Complaint:

1. Documents produced by Pharmacia in response to Wisconsin's Requests for Production and its Interrogatories.
2. Documents in the possession, custody and control of Plaintiff and other documents generated, obtained and reviewed by Plaintiff, based upon information obtained from Plaintiff's document production and other documents to date and depositions of its employees, including, but not limited to, the following:
 - Documents referring to proposed changes to Wisconsin Medicaid's pharmaceutical reimbursement methodology;
 - Documents referring to pharmacists' profits on the sale of products reimbursed by Wisconsin Medicaid;
 - Documents referring to provider participation in Wisconsin's Medicaid program and its relationship to provider reimbursement for pharmaceutical products;
 - Studies conducted by Wisconsin Department of Agriculture, Trade and Consumer Protection, the University of Wisconsin, Congressman Tom Barrett, the Federal Trade Commission, HCFA, Dr. David Kreling, and various other consultants and entities concerning pharmaceutical pricing and reimbursement;
 - Governor's budget proposals related to Medicaid and documents analyzing those proposals;
 - Issue papers written by the Legislative Fiscal Bureau and the Department of Health Family Services ("DHFS") on pharmaceutical reimbursement;
 - OIG, GAO, CBO, and other governmental reports provided to Plaintiff concerning pharmaceutical reimbursement and any responses thereto;
 - Communications between DHFS and providers, pharmacies, or trade associations regarding pharmaceutical reimbursement and/or costs;
 - Communications between DHFS and other states or the federal government regarding pharmaceutical reimbursement and/or costs;

- Issues, briefing, and concept papers on pharmaceutical reimbursement and costs by the Office of Strategic Finance;
 - Written testimony of DHFS Secretary concerning pharmaceutical reimbursement;
 - Emails between DHFS and the Governor's office concerning pharmaceutical reimbursement;
 - Wholesaler data from state-run entities that purchase drugs directly from wholesalers;
 - Documents comparing prices paid by Wisconsin Medicaid to those paid by other State entities;
 - Information from CMS concerning AWP, EAC, or changes in pharmaceutical reimbursement;
 - Documents related to the Governor's Pharmacy Reimbursement Commission;
 - Budget documents from the Department of Administration related to pharmaceutical reimbursement;
 - Audits of Wisconsin's Medicaid program;
 - Communications between EDS (or one of its subcontractors) and Plaintiff concerning cost containment measures for pharmaceutical reimbursement; and
 - Media articles discussing pharmaceutical reimbursement;
3. Documents received, or expected to be received, from third-parties including, but not limited to, the following:
- Federal government;
 - Other states;
 - Third-parties subpoenaed in this case; and
 - Wholesaler data produced by third-parties.

Pharmacia expressly reserves the right to supplement this Interrogatory Response in the future as necessary.

INTERROGATORY NO. 8:

With respect to each affirmative defense you assert in your Answer to the Amended Complaint state the facts which support that defense.

RESPONSE TO INTERROGATORY NO. 8:

Pharmacia objects to Interrogatory No. 8 on the grounds that it is overly broad and unduly burdensome. Pharmacia further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege or work-product doctrine. Pharmacia also objects to this Interrogatory to the extent it seeks information related to Pharmacia's denials that are based in whole or part on the application of applicable laws or legal conclusions. Pharmacia also objects to this Interrogatory as premature because Pharmacia has not yet fully identified all facts that may support its denials since investigation and discovery remain ongoing. Pharmacia also objects to this Interrogatory to the extent it essentially would require Pharmacia to identify facts and information designed to prove a negative.

Without waiving and subject to these objections, Pharmacia responds that, based upon diligent review and investigation to date, the following facts, among others, generally support Pharmacia's Affirmative Defenses, as set forth in its Answer to Plaintiff's Second Amended Complaint:

Affirmative Defenses Nos. 1, 16, 17, 20, 35:

- Since at least 1975, Plaintiff was aware that the published AWP's did not represent actual averages of wholesale prices for Pharmacia's products.
- Since at least 1989, Plaintiff has received directives and/or reports from the federal government that AWP does not represent the actual average of wholesale prices.
- Plaintiff was free at all times to change its pharmaceutical reimbursement methodology under Medicaid to a non-AWP based system.
- Plaintiff continues to reimburse providers who participate in its Medicaid program for pharmaceuticals based on published AWP's.

- In adopting its various reimbursement methodologies over time, Plaintiff adopted and utilized these methodologies to further program goals, including ensuring access.

Affirmative Defenses Nos. 2-4:

- Based upon Plaintiff's production to date, it appears that Plaintiff undertook little, if any, studies to determine EAC.

Affirmative Defense No. 5:

- Plaintiff submitted state plans and state plan amendments to the federal government concerning the rate at which it would reimburse pharmaceuticals under its Medicaid Program. These plans were reviewed and approved by the federal government.

Affirmative Defense No. 6:

- Pharmacia's products are sold in interstate commerce.

Affirmative Defense Nos. 7, 12, 13, 15, 26-27, 29, 38, 41-43

- These defenses are purely legal in nature and thus, require no reference to facts for support.

Affirmative Defenses Nos. 8, 18, 24

- Plaintiff cannot establish that it was damaged by Pharmacia's conduct. Plaintiff adopted the reimbursement methodology to further program objectives.
- Plaintiff cannot establish that any increase in Pharmacia's market share was attributable to Pharmacia's allegedly unlawful conduct as opposed to other factors.
- Plaintiff cannot establish that any increase in Pharmacia's market share was the result of Plaintiff's payments as opposed to payments from Medicare or private payors.

Affirmative Defense No. 9

- To the extent that Pharmacia has engaged in lobbying or related efforts before Congress and/or other regulatory agencies, such conduct is protected by the First Amendment and Noerr-Pennington.

Affirmative Defenses Nos. 10, 25-27

- Since at least 1975, Plaintiff was aware that the published AWP's did not represent actual averages of wholesale prices for Pharmacia's products.
- Since at least 1989, Plaintiff has received directives and/or reports from the federal government that AWP does not represent the actual average of wholesale prices.
- Plaintiff was free at all times to change its pharmaceutical reimbursement methodology under Medicaid to a non-AWP based system.
- Plaintiff continues to reimburse providers who participate in its Medicaid program for pharmaceuticals based on published AWP's.
- In adopting its various reimbursement methodologies over time, Plaintiff adopted and utilized these methodologies to further program goals, including ensuring access.
- It was commonly known within certain governmental agencies and within the pharmaceutical industry and by those involved with reimbursement that published AWP's did not represent actual averages of wholesale prices.
- Plaintiff has not proven it complied with Wis. Stat. § 165.25(1) or Wis. Stat. § 100.18(11)(d).
- Pharmacia did not cause providers to make a false statement to Plaintiff.
- Attorney General is not authorized to seek forfeitures under § 100.26(4) and § 100.264(2).
- Plaintiff was aware that pharmaceutical manufacturers provided discounts to customers.
- Plaintiff cannot establish that Pharmacia's discounts to providers had the effect of injuring competition.
- Plaintiff did not confer any benefit on Pharmacia.

Affirmative Defense No. 11

- Plaintiff has not proven it complied with Wis. Stat. § 165.25(1) or Wis. Stat. § 100.18(11)(d).

Affirmative Defense No. 14

- It has long since been established industry practice for the pricing compendia to publish AWP's that were for the most part higher than actual acquisition costs for pharmaceuticals. It also was commonly known and

widely understood that AWP's did not represent actual averages of wholesale prices.

Affirmative Defense No. 18

- Since at least 1975, Plaintiff was aware that the published AWP's did not represent actual averages of wholesale prices for Pharmacia's products.
- Since at least 1989, Plaintiff has received directives and/or reports from the federal government that AWP does not represent the actual average of wholesale prices.
- Plaintiff was free at all times to change its pharmaceutical reimbursement methodology under Medicaid to a non-AWP based system.
- Plaintiff continues to reimburse providers who participate in its Medicaid program for pharmaceuticals based on published AWP's.
- In adopting its various reimbursement methodologies over time, Plaintiff adopted and utilized these methodologies to further program goals, including ensuring access.
- It was commonly known within certain governmental agencies and within the pharmaceutical industry and by those involved with reimbursement that published AWP's did not represent actual averages of wholesale prices.
- Pharmacia did not cause providers to make a false statement to Plaintiff.
- Plaintiff cannot establish that Pharmacia's discounts to providers had the effect of injuring competition.
- Plaintiff did not confer any benefit on Pharmacia.

Affirmative Defense No. 19

- Medicare Prescription Drug, Improvement and Modernization Act of 2003, 42 U.S.C. § 1395, changed pharmaceutical reimbursement under Medicare from an AWP-based system to an ASP-based system.

Affirmative Defense No. 21

- Pharmacia did not control the AWP's published by the pricing compendia.
- Since at least 1975, Plaintiff was aware that the published AWP's did not represent actual averages of wholesale prices for Pharmacia's products.

- Since at least 1989, Plaintiff has received directives and/or reports from the federal government that AWP does not represent the actual average of wholesale prices.
- Plaintiff was free at all times to change its pharmaceutical reimbursement methodology under Medicaid to a non-AWP based system.
- Plaintiff continues to reimburse providers who participate in its Medicaid program for pharmaceuticals based on published AWPs.
- In adopting its various reimbursement methodologies over time, Plaintiff adopted and utilized these methodologies to further program goals, including ensuring access.

Affirmative Defense No. 22

- Plaintiff has not named as defendants parties who received the alleged “excessive” reimbursements.

Affirmative Defense No. 23

- Pharmacia’s conduct and activities are distinct from and independent of the conduct and activities of the other defendants named in this action.

Affirmative Defense No. 24

- Plaintiff cannot establish that it was damaged by Pharmacia’s conduct.
- Since at least 1975, Plaintiff was aware that the published AWPs did not represent actual averages of wholesale prices for Pharmacia’s products.
- Since at least 1989, Plaintiff has received directives and/or reports from the federal government that AWP does not represent the actual average of wholesale prices.
- Plaintiff was free at all times to change its pharmaceutical reimbursement methodology under Medicaid to a non-AWP based system.
- Plaintiff continues to reimburse providers who participate in its Medicaid program for pharmaceuticals based on published AWPs.
- In adopting its various reimbursement methodologies over time, Plaintiff adopted and utilized these methodologies to further program goals, including ensuring access.

Affirmative Defense No. 28

- Plaintiff has provided no particularized allegations (the “who, what, when, where, and how”) describing Pharmacia’s allegedly fraudulent conduct.

Affirmative Defense No. 30

- Plaintiff did not confer a benefit on Pharmacia.
- Any increased sales and/or market share Pharmacia received during the relevant time period was not the result of unlawful conduct.
- Plaintiff cannot establish that any increase in Pharmacia’s market share was attributable to Pharmacia’s allegedly unlawful conduct as opposed to other factors.
- Plaintiff cannot establish that any increase in Pharmacia’s market share was the result of Plaintiff’s payments as opposed to payments from Medicare or private payors.
- Since at least 1975, Plaintiff was aware that the published AWP’s did not represent actual averages of wholesale prices for Pharmacia’s products.
- Since at least 1989, Plaintiff has received directives and/or reports from the federal government that AWP does not represent the actual average of wholesale prices.
- Plaintiff was free at all times to change its pharmaceutical reimbursement methodology under Medicaid to a non-AWP based system.
- Plaintiff continues to reimburse providers who participate in its Medicaid program for pharmaceuticals based on published AWP’s.
- In adopting its various reimbursement methodologies over time, Plaintiff adopted and utilized these methodologies to further program goals, including ensuring access.

Affirmative Defense No. 31

- Plaintiff has not proven it complied with Wis. Stat. § 165.25(1).

Affirmative Defense Nos. 32, 33

- A written rebate agreement exists between Pharmacia and the Secretary of the Department of Health and Human Services (“HHS”), on behalf of HHS and certain States, entitled, “Rebate Agreement Between the Secretary of Health and Human Services and the Manufacturer Identified in Section XI of this Agreement”, which was entered into pursuant to 42 U.S.C. § 1396r-8.

Affirmative Defense No. 34

- The reimbursement rates set for Wisconsin’s Medicaid program and Medicare Part B are lawful, government-set rates.

Affirmative Defense No. 35, 37

- Pharmacia has never represented that the AWP’s published by the pricing compendia represent actual averages of wholesale prices for its products.
- It was commonly known within certain governmental agencies and within the pharmaceutical industry and by those involved with reimbursement that published AWP’s did not represent actual averages of wholesale prices.
- Since at least 1975, Plaintiff was aware that the published AWP’s did not represent actual averages of wholesale prices for Pharmacia’s products.
- Since at least 1989, Plaintiff has received directives and/or reports from the federal government that AWP does not represent the actual average of wholesale prices.
- Plaintiff was free at all times to change its pharmaceutical reimbursement methodology under Medicaid to a non-AWP based system.
- Plaintiff continues to reimburse providers who participate in its Medicaid program for pharmaceuticals based on published AWP’s.
- In adopting its various reimbursement methodologies over time, Plaintiff adopted and utilized these methodologies to further program goals, including ensuring access.

Affirmative Defense No. 39

- Plaintiff has not proven it complied with Wis. Stat. § 100.18(11)(d).

Affirmative Defense No. 40

- Plaintiff has not named as defendants parties who received the alleged “excessive” reimbursements.
- Plaintiff cannot establish that any alleged overcharge or supracompetitive price was passed on to the State.

Affirmative Defense No. 43

- Any and all applicable facts asserted by any other defendant not otherwise asserted herein.

Pharmacia expressly reserves the right to supplement this Interrogatory Response in the future as necessary.

INTERROGATORY NO. 9:

Identify each document that supports the facts upon which you base each such affirmative defense

RESPONSE TO INTERROGATORY NO. 9:

Pharmacia objects to Interrogatory No. 9 on the same grounds as those set forth in its Response to Interrogatory No. 8 and incorporates these objections herein. In addition, Pharmacia objects to this Interrogatory to the extent it seeks information that is publicly available or outside Pharmacia's possession, custody and control.

Without waiving and subject to these objections, Pharmacia responds that, based upon diligent review and investigation to date, the following categories of documents, among others, generally support the Affirmative Defenses asserted in Pharmacia's Answer to Plaintiff's Second Amended Complaint:

1. Documents produced by Pharmacia in response to Wisconsin's Document Requests and Interrogatories.
2. Documents in the possession, custody and control of Plaintiff and other documents generated, obtained and reviewed by Plaintiff, based upon information obtained from Plaintiff's document production and other documents to date and depositions of its employees, including, but not limited to, the following:
 - Documents referring to proposed changes to Wisconsin Medicaid's pharmaceutical reimbursement methodology;
 - Documents referring to pharmacists' profits on the sale of products reimbursed by Wisconsin Medicaid;
 - Documents referring to provider participation in Wisconsin's Medicaid program and its relationship to provider reimbursement for pharmaceutical products;
 - State plans and state plan amendments;

- Studies conducted by Wisconsin Department of Agriculture, Trade and Consumer Protection, the University of Wisconsin, Congressman Tom Barrett, the Federal Trade Commission, HCFA, Dr. David Kreling and various other consultants and entities concerning pharmaceutical pricing and reimbursement;
- Governor's budget proposals related to Medicaid and documents analyzing those proposals;
- Issue papers written by the Legislative Fiscal Bureau and DHFS on pharmaceutical reimbursement;
- OIG, GAO, CBO, and other governmental reports provided to Plaintiff concerning pharmaceutical reimbursement and any responses thereto;
- Communications between DHFS and providers, pharmacies, or trade associations regarding pharmaceutical reimbursement and/or costs;
- Communications between DHFS and other states or the federal government regarding pharmaceutical reimbursement and/or costs;
- Issues, briefing, and concept papers on pharmaceutical reimbursement and costs by the Office of Strategic Finance;
- Written testimony of DHFS Secretary concerning pharmaceutical reimbursement;
- Emails between DHFS and the Governor's office concerning pharmaceutical reimbursement;
- Wholesaler data from state-run entities that purchase drugs directly from wholesalers;
- Documents comparing prices paid by Wisconsin Medicaid to those paid by other State entities;
- Information from CMS concerning AWP, EAC, or changes in pharmaceutical reimbursement;
- Documents related to the Governor's Pharmacy Reimbursement Commission;
- Budget documents from the Department of Administration related to pharmaceutical reimbursement;
- Audits of Wisconsin's Medicaid program;

- Communications between EDS (or one of its subcontractors) and Plaintiff concerning cost containment measures for pharmaceutical reimbursement;
 - Media articles discussing pharmaceutical reimbursement; and
 - Rebate contract between Plaintiff and Pharmacia.
3. Documents received, or expected to be received, from third-parties including, but not limited to, the following:
- Federal government;
 - Other states;
 - Third-parties subpoenaed in this case; and
 - Wholesaler data produced by third-parties.

Pharmacia expressly reserves the right to supplement this Interrogatory Response in the future as necessary.

INTERROGATORY NO. 10:

Have you ever communicated directly with any official of the State of Wisconsin about the prices of any of your drugs, including AWP, WAC, or any other prices irrespective of the nomenclature used?

RESPONSE TO INTERROGATORY NO. 10:

Pharmacia objects to Interrogatory No. 10 on the grounds that it is overly broad, unduly burdensome, vague, and ambiguous. Pharmacia further objects to this Interrogatory on the grounds that the term “any official of the State” is vague and undefined and on the grounds that this Interrogatory is not limited by timeframe.

Without waiving and subject to these objections, Pharmacia responds that it is currently unaware of any such communications. Discovery is ongoing, and Pharmacia expressly reserves the right to supplement this Interrogatory Response in the future as necessary.

INTERROGATORY NO. 11:

If the answer to Interrogatory No. 10 is yes, identify all such communications by date, time, and purpose, the persons who communicated this information, the persons to whom this information was communicated, who said what to whom or who wrote what to whom, and identify any documents containing or describing the information communicated to Wisconsin officials.

RESPONSE TO INTERROGATORY NO. 11:

Pharmacia objects to Interrogatory No. 11 on the grounds that it is overly broad and unduly burdensome. Pharmacia further objects to this Interrogatory on the ground that it is not limited by timeframe.

Without waiving and subject to these objections, Pharmacia incorporates its Response to Interrogatory No. 6.

RESPONSES AND OBJECTIONS TO REQUEST FOR PRODUCTION

REQUEST NO. 12:

Produce each document identified in response to Interrogatory Nos. 7, 9 and 11.

RESPONSE TO REQUEST NO. 12:

Pharmacia objects to Request No. 12 on the ground that it is overly broad and unduly burdensome. Pharmacia further objects to this Interrogatory to the extent it seeks documents that are publicly available or outside Pharmacia's possession, custody and control.

Without waiving and subject to these objections, to the extent that non-privileged documents responsive to Interrogatory Nos. 7, 9 and 11 exist, Pharmacia directs the plaintiff to documents produced in this case. Pharmacia also directs Plaintiff to its own production and productions by third-parties.

REQUEST NO. 13:

Produce any documents commenting on, concerning or about how or to what extent wholesalers mark up drugs for resale including, but not limited to, any documents relating to the case of Brand Name Prescription Drugs Antitrust Litigation, 94 C 897 (N.D. Ill.)

RESPONSE TO REQUEST NO. 13:

Pharmacia objects to Request No. 13 on the grounds that it is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence because it reports to require information relating to "drugs" without specification as to which "drugs," thus including products that are not manufactured, marketed, or distributed by Pharmacia and/or products not at issue in this litigation. Pharmacia further objects to this Request to the extent it seeks information in the possession of Plaintiff or more appropriately sought from third parties.

Without waiving and subject to these objections, Pharmacia directs the plaintiff to documents produced in this case. Pharmacia also directs Plaintiff to its own production and productions by third-parties.

April 12, 2007

/s/ Kimberly K. Heuer

Beth Kushner
Peter F. Mullaney
von Briesen & Roper, s.c.
411 East Wisconsin Ave., Suite 700
Milwaukee, WI 53202
Tel: (414) 276-1122
Fax: (414) 276-6281

John C. Dodds
Kimberly K. Heuer
MORGAN, LEWIS & BOCKIUS LLP
1701 MARKET STREET
Philadelphia, PA 19103
Tel: (215) 963-5000
Fax: (215) 963-5001

Scott A. Stempel
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
Tel: (202) 739-3000
Fax: (202) 739-3001

Attorneys for Pharmacia Corporation

Certificate of Service

I, Kimberly K. Heuer, hereby certify that on this day of 12th day of April 2007, a true and correct copy of PHARMACIA CORPORATION'S RESPONSES AND OBJECTIONS TO PLAINTIFF'S THIRD SET OF INTERROGATORIES AND FOURTH REQUEST FOR PRODUCTION OF DOCUMENTS TO ALL DEFENDANTS was served on all counsel of record by Lexis Nexis File & Serve®.

/s/ Kimberly K. Heuer
Kimberly K. Heuer