

STATE OF WISCONSIN,

Plaintiff,

v.

Case No. 04 CV 1709

ABBOTT LABORATORIES, INC., et.al.,

Defendants.

PLAINTIFF'S AMENDED
RESPONSE TO DEFENDANTS' FOURTH SET OF INTERROGATORIES

Pursuant to the Wisconsin Rules of Civil Procedure, the State of Wisconsin, by and through its undersigned counsel, respond to Defendants' discovery request as follows:

GENERAL OBJECTIONS:

1. The Plaintiff OBJECTS to the "definitions" which precede the discovery request to the extent that Defendants' "definitions" deviate from the ordinary and accepted meaning of the term.

2. The Plaintiff OBJECTS to the "instructions" in the following respects:

A. Paragraph 2 is inconsistent with Wis. Stat. § 804.09.

B. Paragraph 5 is contrary to Wis. Stat. § 804.01(5).

Subject to the foregoing objections, the Plaintiff answers as follows:

3. The Plaintiff incorporates all previous relevant objections made in response to Defendants' other discovery requests.

INTERROGATORIES

INTERROGATORY NO. 1:

Did You use, rely upon, reference or consider ASP Information provided to You by any manufacturer of pharmaceutical products, including but not limited to TAP, AstraZeneca or Bayer, in any way, including but not limited to evaluating, revising or setting reimbursement to Providers under Wisconsin's Medicaid program?

ANSWER:

Plaintiff OBJECTS to the terms "consider, rely upon, and reference" on the ground that they are vague and ambiguous. Notwithstanding this objection, the requirement that a manufacturer submit prices to Wisconsin was part of the consideration underlying the civil settlement agreement and an obligation that it assumed as a signatory to that agreement. Beyond receiving the information provided to the Plaintiff by these manufacturers as part of these settlements, no other subsequent use has been made of the information in the operation of the state Medicaid program.

INTERROGATORY NO. 2:

If the answer to Interrogatory No. 1 is anything other than an unqualified no, describe:

- a. How ASP Information provided by any manufacturer of pharmaceutical products has been used, relied upon, referenced or considered in evaluating, revising or setting reimbursement to Providers under Wisconsin's Medicaid program; and
- b. When You began to use, rely upon, reference or consider ASP Information in evaluating, revising or setting reimbursement to Providers under Wisconsin's Medicaid program.

ANSWER:

It does not appear that the “ASP Information” received as part of civil settlements with manufacturers was used in evaluating, revising, or setting payments to Providers under Plaintiff’s Medicaid program.

INTERROGATORY NO. 3:

What individuals or agencies were part of the decision whether to use, rely upon, reference or consider ASP information received from any manufacturer of pharmaceutical products in evaluating, revising or setting reimbursement to Providers under Wisconsin’s Medicaid program?

ANSWER:

The Plaintiff OBJECTS to the term “consider” on the ground that it is vague and ambiguous. Notwithstanding this objection, it is not known whether there was any occasion in which a person employed within the Department of Health and Family Services was asked to use the information a manufacturer provided to the State of Wisconsin pursuant to a civil settlement for the purpose of setting payments to providers as part of the Medicaid program.

INTERROGATORY NO. 4:

Identify the level(s) of reimbursement throughout the relevant time period, including the exact date and amount of each change to the level(s) of reimbursement, for:

- a. Dispensing fees for self-administered drugs reimbursed by the Wisconsin Medicaid program, SeniorCare, BadgerCare or any managed care entity that covers Medicaid recipients;

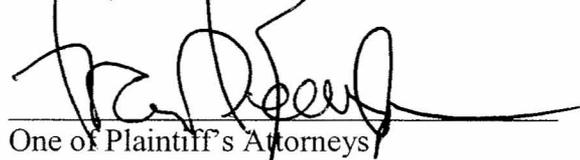
- b. Administration fees for physician-administered drugs reimbursed by the Wisconsin Medicaid program, SeniorCare, BadgerCare or any managed care entity that covers Medicaid recipients;
- c. Injection fees for physician-administered drugs reimbursed by the Wisconsin Medicaid program, SeniorCare, BadgerCare or any managed care entity that covers Medicaid recipients;
- d. Any other component of reimbursement for any drug reimbursed by the Wisconsin Medicaid program, SeniorCare, BadgerCare or any managed care entity that covers Medicaid recipients except for the ingredient cost component.

ANSWER:

Plaintiff OBJECTS to this interrogatory on the ground that pursuant to Wis. Stat. § 804.08(3), the Defendants can derive a complete answer to this question from the documents already produced to them by the Plaintiff.

AS TO OBJECTIONS

J.B. VAN HOLLAND
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VERIFICATION

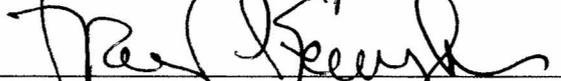
I, Alan White, hereby state that I am Director of the Bureau of Program Integrity at the Wisconsin Department of Health and Family Services and in that capacity I execute this Verification. This Document was prepared with the assistance and advice of counsel for Plaintiff State of Wisconsin, and with the assistance of other persons who supplied information and documents which are the source of the information contained in the response. I relied upon this information and advice supplied by others in making the response and this Verification. Based on the foregoing, the answers contained in Plaintiff's Amended Response to Defendants' Fourth Set of Interrogatories are true and correct to the best of my knowledge, information and belief.

Dated this 10th day of April, 2008.



Alan White

Subscribed and sworn before me
This 10th day of April, 2008.



Notary Public, State of Wisconsin

My commission: is permanent