

STATE OF WISCONSIN,

Plaintiff,

v.

Case No. 04 CV 1709

ABBOTT LABORATORIES, INC., et.al.,

Defendants.

PLAINTIFF'S RESPONSE
TO DEFENDANTS' FOURTH SET OF INTERROGATORIES
AND
TO DEFENDANTS' FOURTH REQUESTS FOR PRODUCTION OF DOCUMENTS

Pursuant to the Wisconsin Rules of Civil Procedure, the State of Wisconsin, by and through its undersigned counsel, respond to Abbott's 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:

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, please See Plaintiff's answer to TAP's Interrogatory No. 1 which is incorporated herein by reference as responsive to Defendants other than TAP.

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:

See Plaintiff's answer to TAP's Interrogatory No. 3.

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:

See Plaintiff's answer to TAP's Interrogatory No. 2.

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:

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.

REQUESTS FOR PRODUCTION

REQUEST NO. 1:

All documents referred to or used in responding to the Interrogatories above.

ANSWER:

Please see Plaintiff's response to TAP's previous discovery request.

REQUEST NO. 2:

Documents relating to Your use of, reliance upon, reference to or consideration of ASP Information provided by any manufacturer of pharmaceutical products.

ANSWER:

N/A.

Dated this 26th day of November, 2007.

J.B. VAN HOLLAND
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