

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH 7

DANE COUNTY

STATE OF WISCONSIN,

Plaintiff,

v.

Case No. 04 CV 1709

ABBOTT LABORATORIES, INC., et al,

Defendants.

PLAINTIFF'S RESPONSE TO DEFENDANTS' SIXTH SET OF INTERROGATORIES AND
REQUESTS FOR PRODUCTION DIRECTED TO PLAINTIFF

Pursuant to the Wisconsin Rules of Civil Procedure, the State of Wisconsin, by and through its undersigned counsel, respond to "Defendants' Sixth Set of Interrogatories" as follows.

Preliminarily, the Plaintiff incorporates by reference all of the boilerplate, objections propounded by any defendant in response to Plaintiff's discovery, as if more fully set forth herein. For extra good measure and in trying to keep up with learned defense counsel whose responses contain an ever increasing number of objections, the Plaintiff incorporates by reference the objections Plaintiff previously made when it responded to defendants' first through fifth set of discovery requests.

In addition, more specifically, the Plaintiff objects to defendants' definitions numbers four, and nine on the ground that they are overbroad and thus unduly burdensome. A substantially similar definition of "you" has already been condemned by this court as overbroad.

A similar conclusion is inescapable here. The Plaintiff objects to instruction number five on the ground that it is overbroad and is, despite its rhetoric, somewhat confusing.

INTERROGATORY NO. 1

In addition to Blue Book AWP, did You receive Suggested AWP information from the Pricing Compendia at any time during the Relevant Time Period?

ANSWER TO INTERROGATORY NO. 1

The Plaintiff Objects to this interrogatory on the ground that the form of the question assumes that the Wisconsin Medicaid Program “received” “Blue Book AWPs”. At all times relevant to this litigation, the State of Wisconsin had a contract with EDS. In turn EDS had a contract with FDB and pursuant to that contract EDS was provided with data from FDB. Notwithstanding this objection, the answer is “no”.

INTERROGATORY NO. 2

If your answer to Interrogatory No. 2 is anything other than an unqualified “no,” please explain:

- a. The time period during which you received the Suggested AWP information from the Pricing Compendia.
- b. How the Suggested AWP information has been used, relied upon, referenced or considered in evaluating, revising or setting reimbursement to Providers under Wisconsin’s Medical Assistance Programs; and
- c. When You began to use, rely upon, reference or consider the Suggested AWP information in evaluating, revising or setting reimbursement to Providers under Wisconsin’s Medical Assistance programs.

ANSWER TO INTERROGATORY NO. 2

n/a

SPECIFIC REQUESTS FOR DOCUMENTS TO BE PRODUCED

REQUEST NO. 1

All data sent to You from First DataBank and/or Blue Book during the Relevant Time Period.

ANSWER TO REQUEST NO. 1

First DataBank did not send data to the Wisconsin Medicaid Program. Nonetheless, Plaintiff has provided the defendants with at least two sets of pricing files and claims data Plaintiff acquired from EDS.

REQUEST NO. 2

All Documents Concerning the Together Card Program, the Together RX Access Program, and any other pharmaceutical manufacturer sponsored program under which drugs are provided either free or at lower cost to patients/ consumers, including, but not limited to, draft and final public statements concerning these programs, evaluations or analyses of these programs or the benefits conferred by these programs on Wisconsin or its citizens, and descriptions of the operation of these programs.

ANSWER TO REQUEST NO. 2

Upon information and belief no relevant documents are in Plaintiff's possession. Plaintiff OBJECTS to the request to the extent it demands copies of any statement made by any state employee about these programs on the ground that it is over-burdensome and it is not relevant nor likely to lead to the discovery of relevant information. Furthermore, Plaintiff OBJECTS to this request on the ground that it is over-burdensome given the fact that the programs identified above are of the defendants' own creation and the defendants have or should have in their own possession all the information they desire.

REQUEST NO. 3

All Documents Concerning the design, operation, and management of the BadgerCare Rx Gold program.

ANSWER TO REQUEST NO. 3

Upon information and belief no relevant documents are in Plaintiff's possession. Furthermore, Plaintiff OBJECTS to the request on the ground that any relevant documents would be in the possession of Navitus, a third party, from whom the defendants have the ability and right to seek discovery.

REQUEST NO. 4

All Documents Concerning or describing the amount of rebates that pharmaceutical drug manufacturers have provided to Wisconsin or its citizens under the BadgerCare Rx Gold program.

ANSWER TO REQUEST NO. 4

Upon information and belief no relevant documents are in Plaintiff's possession.

REQUEST NO. 5

All Documents Concerning how rebates provided by pharmaceutical drug manufacturers under the BadgerCare Rx Gold program were passed on to Wisconsin patients/consumers.

ANSWER TO REQUEST NO. 5

Upon information and belief no relevant documents are in Plaintiff's possession.

Dated this 7th day of May 2008.



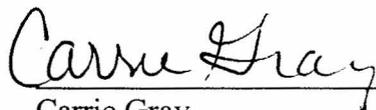
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VERIFICATION

I, Carrie Gray, hereby state that I have reviewed the answer to interrogatory number one and hereby state that I believe the answer given to be true and correct to the best of my knowledge, information and belief.

Dated this 7 day of May, 2008.


Carrie Gray

Subscribed and sworn before me
This 7 day of May, 2008.


Notary Public, State of Wisconsin
My commission: 3/30/08