
STATE OF WISCONSIN,

Plaintiff,

v.

Case No. 04 CV 1709

AMGEN INC., et al.,

Defendants.

PLAINTIFF'S RESPONSE TO
DEFENDANTS' (SECOND) THIRD SET OF INTERROGATORIES¹

Pursuant to Chapter 804 of the Wisconsin Statutes, the State of Wisconsin ("Plaintiff") hereby responds to the following Interrogatories no later than 30 days from date of service.

DEFINITIONS AND GENERAL INSTRUCTIONS

The Plaintiff hereby incorporates the Objections it tendered in Plaintiff's Response to Defendants' Second Set of Requests for Production and in Plaintiff's Response to Defendants' Second Set of Interrogatories.

INTERROGATORIES

INTERROGATORY NO. 1

Please identify the individuals that Neil Gebhart is referring to when he states that "some here view [this] suit as baseless because it has been generally known for years that 'AWP' does

¹ This is the Defendants second "third" set of interrogatories, the earlier set being served upon the Plaintiff in March 2006.

not truly reflect a manufacturer's average wholesaler price" in the document bates-stamped WI-Prod-AWP-112268.

ANSWER TO INTERROGATORY NO. 1

The Plaintiff OBJECTS to this request on the ground that the communication to which it refers is a confidential attorney-client communication. Further questions relating to the confidential communication between Attorney Gebhardt and his client are privileged.

INTERROGATORY NO. 2

For each document identified below, please identify whose files the document was produced from (i.e., the custodian of the document) and who within the Department of Health and Family Services received the document:

- a. WI-Prod-AWP-104235-50.
- b. WI-Prod-AWP-106029-44.
- c. WI-Prod-AWP-106223-97.
- d. WI-Prod-AWP-106081-95.
- e. WI-Prod-AWP-112123-4.
- f. WI-Prod-AWP-104251-68.
- g. WI-Prod-AWP-112312-45.
- h. WI-Prod-AWP-113084-97.
- i. WI-Prod-AWP-106306-28.
- j. WI-Prod-AWP-104215-44.
- k. WI-Prod-AWP-108022-24.

ANSWER TO INTERROGATORY NO. 2

The Plaintiff OBJECTS to this interrogatory based on the form of the question. It is not correct to assume that because a document is located in the files created or maintained by a particular state employee that he or she is the legal custodian of the document. Under state law, in the Department of Health and Family Services, the custodian of records is the Division Administrator unless he or she delegates that responsibility to another. Upon information and belief, documents a through k except i, were obtained from a search of a file cabinet of general

information located in the Division of Health Care Financing, Bureau of Fee for Service. Document i was found in numerous files and it is not possible to state from where it was produced as no record of that type was prepared as these documents were assembled.

INTERROGATORY NO. 3

Please identify the individual(s) who authored WI-Prod-AWP-106010-18 and WI-Prod-AWP-108880-91.

ANSWER TO INTERROGATORY NO. 3

AWP 108880-91 and AWP 106010-18 are documents produced by the Legislative Fiscal Bureau and as such are “authored” by that Bureau. Rachel Carabell “prepared” AWP 108880 and Amie Goldman “prepared” 106010.

INTERROGATORY NO.4

Please identify what State entity (e.g., Legislature, Department of Health and Family Services, etcetera) sets, and the process by which it sets, the reimbursement rate for pharmaceutical drugs reimbursed by the State.

ANSWER TO INTERROGATORY NO. 4

The Wisconsin Legislature sets the reimbursement rate in accordance with the legislative budgetary process and the Governor of the State of Wisconsin signs the budget as part of his executive budgetary function.

INTERROGATORY NO. 5

Please identify each specific program within the State allegedly harmed by defendants’ conduct for which you are seeking damages, and separately for each such program:

- (a) describe the basis for your damages claims,

(b) identify the defendants and drugs and time periods for which the damages claims for that program apply, and

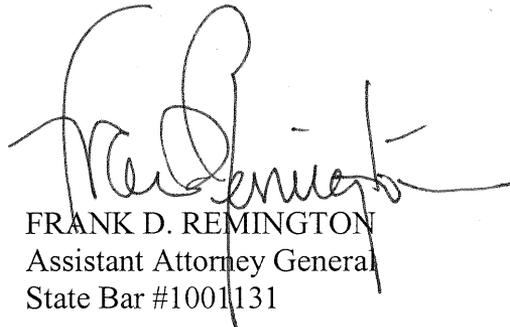
(c) identify the persons with knowledge of that program's damages.

ANSWER TO INTERROGATORY NO. 5

The Plaintiff OBJECTS to subsection (c) above on the ground that it is overbroad. The Plaintiff OBJECTS to subsection (a) above on the ground that it has already been asked and answered. The Plaintiff OBJECTS to subsection (b) above on the ground that defendants already know what drugs are at issue in this litigation, as a result of defendants' motion to dismiss. Notwithstanding these objections, please see Plaintiff's answer to defendants' second set of interrogatories questions number 15 and 16 and Plaintiff's answer to defendants' "first" "third" set of interrogatories question number 14. The Plaintiff is currently computing the damages caused by defendants illegal publication of its false and fraudulent price and will disclose that amount at the time experts must disclose their opinions.

Plaintiff reiterates its offer to the defendants for those drugs that any defendant believes should not be on the previously proffered targeted drug list, defendants are invited to contact the Plaintiff letting it know why the drug should not be included and the Plaintiff will respond and react accordingly to that specific request.

Dated this 17th day of June, 2007.



FRANK D. REMINGTON
Assistant Attorney General
State Bar #1001131

Wisconsin Department of Justice
Post Office Box 7857
Madison, Wisconsin 53707-7857
(608) 266-3542