

STATE OF WISCONSIN

CIRCUIT COURT
Branch 7

DANE COUNTY

STATE OF WISCONSIN,

Plaintiff,

v.

ABBOTT LABORATORIES, *et al.*,

Defendants.

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No. 04 CV 1709

Unclassified Civil: 30703

PLAINTIFF'S FIRST SET OF INTERROGATORIES AND REQUESTS
FOR PRODUCTION OF DOCUMENTS TO DEFENDANT SANDOZ INC.

TO: Shannon Allen, Esq.
Friebert, Finerty & St. John SC
330 E. Kilbourn Ave.
Milwaukee, WI 53202

Michael J. Gallagher, Esq.
White & Case LLP
1155 Ave. of the Americas
New York, NY 10036-2787

PLEASE TAKE NOTICE that the plaintiff requires defendant Sandoz Inc. ("Sandoz") to: (1) answer the following interrogatories pursuant to Rule 804.08; and (2) produce the following described documents pursuant to Rule 804.09, within 30 days hereof at the offices of the Wisconsin Attorney General, Wisconsin, Department of Justice, P.O. Box 7857, Madison, WI 53707-7857, attn: Cynthia Hirsch; and Miner, Barnhill & Galland, P.C., 44 E. Mifflin St., Ste. 803, Madison, WI 53703, attn: Charles Barnhill.

Unless otherwise specified, the time period covered by these interrogatories and requests for production of documents is January 1, 1993 to the present.

INTERROGATORIES

INTERROGATORY NO. 1: State whether Sandoz has ever manufactured, marketed, or sold any drug with the NDC labeler code 00003, 00015, 00185, 59772, 62269, or 66685. If the answer is "yes," identify each drug (by 11-digit NDC) and the beginning and ending dates for which Sandoz manufactured, marketed, or sold each drug.

ANSWER:

INTERROGATORY NO. 2: State whether Sandoz has ever reported AWP's or WACs to First DataBank, Redbook, or Medispan, for any drug with the NDC labeler code 00003, 00015, 00185, 59772, 62269, or 66685. If the answer is "yes," identify each drug (by 11-digit NDC) and the beginning and ending dates for which Sandoz reported AWP's or WACs.

ANSWER:

INTERROGATORY NO. 3: State whether Sandoz has ever reported "average manufacturer price" or "AMP" (as that term is defined in the federal Medicaid statute, 42 U.S.C. §1396r-8, *et seq.*) for any drug with the NDC labeler code 00003, 00015, 00185, 59772, 62269, or 66685. If the answer is "yes," identify each drug (by 11-digit NDC) and the beginning and ending dates for which Sandoz reported an AMP for the drug.

ANSWER:

INTERROGATORY NO. 4: State whether Sandoz has ever paid a rebate to any state, including the State of Wisconsin, pursuant to the federal Medicaid statute, 42 U.S.C. §1396r-8, *et seq.*, for any drug with the NDC labeler code 00003, 00015, 00185, 59772, 62269, or 66685. If the answer is "yes," identify each drug (by 11-digit NDC) and the beginning and ending dates for which Sandoz paid rebates.

ANSWER:

INTERROGATORY NO. 5: State the current or last-known home address, home telephone number, business address, business telephone number, cell-phone number, personal e-mail address, business e-mail address, and social security number for each of the following individuals:

- (a) Kevin Galownia;
- (b) Kristy Ronco; and
- (c) any former Sandoz employee who had responsibility for communicating with First DataBank, Redbook, or Medispan regarding pricing

information for Sandoz drugs, including but not limited to AWP and WAC, between January 1, 1993 and the present.

ANSWER:

REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 1: All documents relating to Sandoz's supplemental response to interrogatory no. 5 of plaintiff's first set of interrogatories to all defendants which states that Sandoz "...has established and follows a policy of not discussing actual or potential reimbursement that might be earned by a customer in connection with any aspect of negotiations over potential purchases of its products." This request includes, but is not limited to, the following documents:

- (a) documents that relate to or describe the policy, including consequences for violation of the policy;
- (b) documents that identify the date that the policy was established and/or became effective;
- (c) documents identifying, describing, or relating to the reason(s) for establishment of the policy;
- (d) documents identifying, describing, or relating to the distribution and dissemination of the policy to Sandoz employees;
- (e) documents identifying, describing, or relating to training provided to Sandoz employees regarding the policy; and
- (f) documents relating to any actual or potential violations of the policy, including any investigation, determination, and action taken by Sandoz related to any such actual or potential violation.

RESPONSE:

REQUEST FOR PRODUCTION NO. 2: All documents relating to Rx America LLC, the mail-order pharmacy owned jointly by Sandoz (or its predecessor company, Geneva Pharmaceuticals Inc.) and American Drug Stores, including but not limited to:

- (a) documents relating to the creation, establishment, and ownership of Rx America LLC; and
- (b) documents relating to the income, profits, or other monies earned by Geneva as co-owner of Rx America LLC.

RESPONSE:

REQUEST FOR PRODUCTION NO. 3: All documents relating to the merger, acquisition, purchase, or other business transaction between Sandoz (or its predecessor company, Geneva Pharmaceuticals Inc.) and each of the following entities:

- (a) E.R. Squibb and Sons Inc. (or other entity assigned NDC labeler code 00003);
- (b) Mead Johnson & Co Sub Bristol Myers Co. (or other entity assigned NDC labeler code 00015);
- (c) Eon Labs (or other entity assigned NDC labeler code 00185);
- (d) Apothecan Inc Div BMS (or other entity assigned NDC labeler code 59772);
- (e) Geneva Pharmaceuticals Inc. Apothecan (Apothecan/Invamed) (or other entity assigned NDC labeler code 62269); and
- (f) Lek Pharmaceuticals (or other entity assigned NDC labeler code 66685).

This request includes, but is not limited to, documents identifying whether Sandoz assumed liabilities for the conduct of any of the above entities occurring prior to the merger, acquisition, purchase, or other business transaction.

RESPONSE:

REQUEST FOR PRODUCTION NO. 4: Documents relating to Sandoz's reporting of AWP's or WAC's to First DataBank, Redbook, or Medispan, for drugs with the NDC labeler code 00003, 00015, 00185, 59772, 62269, or 66685, including documents identifying the dates that Sandoz reported AWP's or WAC's for such drugs.

RESPONSE:

REQUEST FOR PRODUCTION NO. 5: Documents relating to Sandoz's reporting of "average manufacturer price" or "AMP" (as that term is used in federal Medicaid statute, 42 U.S.C. §1396r-8, *et seq.*) for drugs with the NDC labeler code 00003, 00015, 00185, 59772, 62269, or 66685.

RESPONSE:

REQUEST FOR PRODUCTION NO. 6: Documents relating to Sandoz's payment of rebates to any state, including the State of Wisconsin, pursuant to the federal Medicaid statute, 42 U.S.C. §1396r-8, *et seq.*, for drugs with the NDC labeler code 00003, 00015, 00185, 59772, 62269, or 66685.

RESPONSE:

REQUEST FOR PRODUCTION NO. 7: Job descriptions for any employee with responsibility for communicating with First DataBank, Redbook, or Medispan regarding pricing information for Sandoz drugs, including but not limited to AWP and WAC, between January 1, 1993 and the present.

RESPONSE:

REQUEST FOR PRODUCTION NO. 8: All documents relating to GeriMed, including but not limited to:

- (a) communications between Sandoz and GeriMed;
- (b) requests for proposals from GeriMed; and
- (c) bid proposals submitted by Sandoz to GeriMed.

RESPONSE:

REQUEST FOR PRODUCTION NO. 9: Notes of meetings or communications between Sandoz employees and actual or potential customers such as retail pharmacies, chain pharmacies, mail-order pharmacies, long-term care pharmacies, wholesalers, and physicians.

RESPONSE:

Dated: February 8, 2007

/s/ Robert S. Libman
One of the Attorneys for Plaintiff

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CERTIFICATE OF SERVICE

Lisa Mecca Davis certifies that she caused the attached Interrogatories and Requests for Production to be served on all counsel of record, by LexisNexis File & Serve, this eighth day of February, 2007.

/s/ Lisa Mecca Davis

Lisa Mecca Davis