

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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STATE OF WISCONSIN,

Plaintiff,

v.

Case No. 06-C-0582-C

AMGEN, INC. ET AL.,

Defendants.

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**PLAINTIFF'S SECOND SET OF INTERROGATORIES TO ALL DEFENDANTS**

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**TO:** All Counsel of Record Via LexisNexis File & Serve

PLEASE TAKE NOTICE that the Plaintiff requires each Defendant to provide answers within thirty (30) days hereof at the offices of the Wisconsin Attorney General, Wisconsin, Department of Justice, Post Office Box 7857, Madison, Wisconsin 53707-7857 Attn: Cynthia Hirsch and Miner, Barnhill & Galland, P.C., 44 East Mifflin Street, Suite 803, Madison, WI 53703 Attn: Charles Barnhill to this Second Set of Interrogatories to all Defendants pursuant to Fed. R. Civ. P. 33:

**DEFINITIONS**

As used in these Interrogatories, the following terms shall have the meanings set forth below:

1. The term "**Average Manufacturer Price**" or "**AMP**" means the price you report or otherwise disseminate as the average manufacturer price for any Pharmaceutical that you report for purposes of the Medicaid program, pursuant to 42 U.S.C. § 1396r-8.
2. The term "**Defined Period of Time**" means from January 1, 1993 to the present.

**INTERROGATORIES**

**INTERROGATORY NO. 6:** Do you contend that during the Defined Period of Time the State of Wisconsin was not prohibited by federal law from determining, and could have determined, the AMPs of the targeted drugs based on the Unit Rebate Amount for such drugs provided to the State by the federal government pursuant to the Medicaid rebate statute, 42 U.S.C. § 1396r-8?

**INTERROGATORY NO. 7:** If the answer to Interrogatory No. 1 is anything other than an unqualified “no,”:

- a. state all bases for such contention, and
- b. identify all documents that support such contention.

Dated this 10th day of November, 2006.

Robert S. Libman by us  
One of Plaintiff's Attorneys

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