
STATE OF WISCONSIN,

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Plaintiff,

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v.

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Case No. 04-CV-1709

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ABBOTT LABORATORIES, ET AL.,

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Defendants.

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**ROXANE LABORATORIES INC. AND BOEHRINGER INGELHEIM ROXANE, INC.’S
RESPONSES AND OBJECTIONS TO PLAINTIFF’S
FIFTH SET OF INTERROGATORIES TO ALL DEFENDANTS**

Pursuant to Wis. Stat. §§ 804.1 and 804.08, defendants Boehringer Ingelheim Roxane, Inc. and Roxane Laboratories, Inc. (collectively “Roxane”) respond and object to Plaintiff State of Wisconsin’s Fifth Set of Interrogatories to All Defendants (“Interrogatory No. 13”) as follows:

PRELIMINARY STATEMENT

1. In April 2005, Roxane Laboratories, Inc., a Delaware corporation, changed its name to Boehringer Ingelheim Roxane, Inc. (“BIRI”). BIRI remains a Delaware corporation. BIRI continues to manufacture pharmaceutical products. Also in April 2005, a new corporation, Roxane Laboratories, Inc. a Nevada corporation was created. As of that time, the new Nevada corporation (“RLI Nevada”) assumed responsibilities for sales and marketing of multi-source pharmaceutical products sold under the Roxane tradename. Because the focus of Plaintiff’s Interrogatory No. 13 is on the sale and marketing of Roxane products, for the purpose of these responses and objections to Interrogatory No. 13, all responses regarding the time period before April, 2005 will be deemed to have been made on behalf of BIRI while all responses after April 2005 will be deemed to have been made on behalf of RLI Nevada.

2. As to all matters referred to in these responses and objections to Interrogatory No. 13, Roxane's investigation and discovery continues. The specific responses set forth below, and any production made consistent with the accompanying Interrogatory No. 13, are based upon, and necessarily limited by, information now available to Roxane. Roxane reserves the right to modify or supplement these responses and objections, to raise any additional objections deemed necessary and appropriate in light of the results of any further review, and to present in any proceeding and at trial any further information and documents obtained during discovery and preparation for trial.

RESPONSES AND OBJECTIONS TO INTERROGATORY

INTERROGATORY NO. 13: For each calendar year from 1993 to the present, identify the following:

- (a) the gross annual sales of your drugs in the United States; and
- (b) the percentage of the gross annual sales of your drugs in the United States that is attributable to Medicaid patients, i.e., that results from sales to (or stated differently, reimbursement by) state Medicaid programs.

RESPONSE TO INTERROGATORY NO. 13:

Roxane objects to Interrogatory No. 13 on the grounds that it is overly broad, unduly burdensome, and the phrase "attributable to Medicaid patients" is vague and ambiguous. Roxane further objects to Interrogatory No. 13 on the grounds that it seeks information that is not relevant to the issues in this action and not reasonably calculated to lead to the discovery of admissible evidence, such as: (1) information relating to Roxane products not at issue in this case; (2) information relating to products purchased outside Wisconsin; (3) information relating to products not reimbursed by Wisconsin Medicaid; and (4) information for time periods after the filing of the initial complaint in this action. For the years 1993-1996, Roxane objects to Interrogatory No. 13 on the grounds that it is unduly burdensome to the extent that information

responsive to subpart (a), if such information exists at all, is not reasonably accessible by Roxane. Roxane also objects to Interrogatory No. 13 on the grounds that any arguably relevant information requested by subpart (a) of this interrogatory is duplicative of Document Request No. 1. Finally, Roxane objects to subpart (b) of this interrogatory on the grounds that Roxane does not maintain the information sought.

GENERAL OBJECTIONS

1. Roxane objects to Interrogatory No. 13 to the extent that it is unreasonably burdensome or expensive, taking into account the needs of the case, the amount in controversy, limitations on the parties' resources, and the importance of the issues at stake in the litigation.
2. The response and objections provided in response to Interrogatory No. 13 are for use in this litigation and for no other purpose.
3. Roxane's response and objections shall not be deemed to constitute admissions:
 - (a) that any particular document or thing exists, is relevant, non-privileged, or admissible in evidence; or
 - (b) that any statement or characterization in Interrogatory No. 13 is accurate or complete.
4. Roxane's response is made based upon the usual interpretation of words contained in Interrogatory No. 13 since no definitions or instructions have been provided.
5. Roxane objects to Interrogatory No. 13 to the extent it purports to impose upon Roxane duties and/or obligations broader than or inconsistent with those imposed by the Wisconsin Rules of Civil Procedure.

Roxane expressly incorporates these General Objections into its specific response to Interrogatory No. 13 set forth above as if set forth in full therein. The response to Interrogatory No. 13 shall not operate as a waiver of any applicable specific or general objection.

Dated: December 10, 2007

Respectfully submitted,

/s/ Ceylan Ayasli Eatherton

Helen E. Witt, P.C.
Brian P. Kavanaugh
Ceylan Ayasli Eatherton
KIRKLAND & ELLIS LLP
200 East Randolph Drive
Chicago, Illinois 60601
Tel: (312) 861-2000
Fax: (312) 861-2200

Mr. Patrick J. Knight
GIMBEL REILLY GUERIN & BROWN
Two Plaza East, Suite 1170
330 East Kilbourn Avenue
Milwaukee, WI 53202
Tel: (614) 464-6400
Fax: (614) 464-6350

*Attorneys for Defendants Boehringer
Ingelheim Roxane, Inc. and Roxane
Laboratories, Inc.*

CERTIFICATE OF SERVICE

I, Ceylan Ayasli Eatherton, hereby certify that on this 10th day of December, 2007, a true and correct copy of the foregoing ROXANE LABORATORIES INC. AND BOEHRINGER INGELHEIM ROXANE, INC.'S RESPONSES AND OBJECTIONS TO PLAINTIFF'S FIFTH SET OF INTERROGATORIES TO ALL DEFENDANTS was served on all counsel of record via Lexis Nexis File & Serve®.

/s/ Ceylan Ayasli Eatherton

Ceylan Ayasli Eatherton