
STATE OF WISCONSIN,)	
)	
Plaintiff,)	Case No.: 04-CV-1709
)	
v.)	
)	
AMGEN INC., et. al.,)	
)	
Defendants.)	

TAP PHARMACEUTICAL PRODUCTS INC.’S ANSWERS AND OBJECTIONS TO PLAINTIFF’S FOURTH SET OF INTERROGATORIES TO ALL DEFENDANTS

Pursuant to the Wisconsin Rule of Civil Procedure 804.08, defendant TAP Pharmaceutical Products Inc. (“TAP”), by its attorneys, answers and objects to Plaintiff’s Fourth Set of Interrogatories to All Defendants (“Plaintiff’s Interrogatory”) as follows:

PRELIMINARY STATEMENT

1. TAP’s answer and objections are made solely for the purposes of this action. TAP’s answer is subject to all objections as to competence, relevance, materiality, propriety, and admissibility, and to any and all other objections on any grounds that would require the exclusion of any statements contained herein if such Interrogatory was asked of, or statements contained herein were made by, a witness present and testifying in Court, all of which objections and grounds are expressly reserved and may be interposed at the time of trial.

- 2. TAP’s answer shall not be deemed to constitute admission:
 - a. that any particular document or thing exists, is relevant, non-privileged, or admissible in evidence; or
 - b. that any statement or characterization in Plaintiff’s Interrogatory is accurate or complete.

3. TAP's answer is made based upon reasonable and diligent investigation conducted to date. Discovery and investigation in this matter are ongoing and TAP reserves the right to amend its answer and to raise any additional objections it may have in the future. This answer was made based upon the typical or usual interpretation of words contained in Plaintiff's Interrogatory, unless a specific definition or instruction has been provided and/or agreed upon.

4. To the extent TAP's answer to Plaintiff's Interrogatory contains confidential information subject to the Protective Order in this matter, it must be treated accordingly.

5. TAP's answer to Plaintiff's Interrogatory is limited to the TAP products currently at issue in this litigation, namely certain NDCs of Prevacid[®] and PrevPac[®].¹

6. TAP's answer to Plaintiff's Interrogatory is submitted without prejudice to TAP's right to produce evidence of any subsequently discovered fact. TAP accordingly reserves its right to provide further objections and answers as additional facts are ascertained.

GENERAL OBJECTIONS

TAP objects generally to Plaintiff's Interrogatory as follows:

1. TAP objects to Plaintiff's "Definitions" to the extent they expand upon or alter TAP's obligations under the Wisconsin Rules of Procedure, in responding to Plaintiff's Interrogatory. TAP will comply with Wisconsin Rules of Civil Procedure in answering Plaintiff's Interrogatory.

2. TAP objects to the definition of the word "Document(s)" on the grounds that it is vague and ambiguous and to the extent that it seeks to impose obligations beyond those imposed by the applicable Wisconsin Rules of Civil Procedure. TAP further objects to this

¹ The State's Second Amended Complaint identifies Actos as a TAP product. As TAP has repeatedly advised the State, TAP has never manufactured, marketed, or sold Actos.

definition to the extent that its purports to require TAP to identify or produce documents or data in a particular form or format, to convert documents or data into a particular file format, to produce documents or data on any particular media, to search for and/or produce or identify documents or data on back-up tapes, to produce any proprietary software, data, programs or databases, to violate any licensing agreement or copyright laws, or to produce data, fields, records, or reports about produced documents or data. The production of any documents or data or the provision of other information by TAP as an accommodation to Plaintiff shall not be deemed to constitute a waiver of this objection.

3. TAP objects to Plaintiff's Interrogatory to the extent it calls for information not relevant to the issues in this action or not reasonably calculated to lead to the discovery of admissible evidence.

4. TAP objects to Plaintiff's Interrogatory to the extent it seeks information that is protected from disclosure by the work product doctrine, the attorney-client, accountant-client, consulting expert, or investigative privileges, any common interest or joint defense agreement, or any other applicable privilege or protection.

5. TAP objects to Plaintiff's Interrogatory to the extent it calls for information not within TAP's possession, custody or control. In responding to Plaintiff's Interrogatory, TAP has undertaken or will undertake a reasonably diligent search of documents and information within TAP's current possession, custody or control.

6. TAP objects to Plaintiff's Interrogatory to the extent it calls for information that is confidential, proprietary, and/or a trade secret of a third-party or is protected from disclosure by an agreement with a third-party.

7. TAP objects to Plaintiff's Interrogatory to the extent it seeks disclosure of information that is a matter of public record, is equally available to the Plaintiff, or is already in Plaintiff's possession.

8. TAP expressly incorporates the above General Objections in its answer to Plaintiff's Interrogatory set forth. An answer to Plaintiff's Interrogatory shall not operate as a waiver of any applicable specific or general objection.

ANSWERS AND OBJECTION TO INTERROGATORY

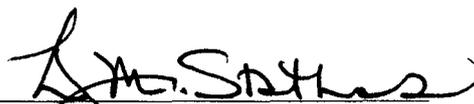
INTERROGATORY NO. 12:

With respect to the facts which you identify in response to interrogatories No. 6 and No. 8 identify each person having knowledge of each of these facts and identify which fact each person has knowledge of, and state the present business title, business address and home address of each such person.

ANSWER: TAP incorporates by reference herein its objections and responses to Interrogatories Nos. 6 and 8. TAP further objects to Interrogatory No. 12 on the grounds that it is overly broad and unduly burdensome and to the extent it seeks information protected by the attorney-client privilege and work-product doctrine. TAP also objects to this Interrogatory because TAP has not yet fully identified all individuals who may have knowledge of all of the facts that support TAP's denials and Affirmative Defenses since discovery and investigation remain ongoing.

Notwithstanding TAP's general and specific objections, and without waiving them, TAP agrees to produce business records, in a manner to be negotiated and agreed upon between the parties, from which the answer to Interrogatory No. 12 may be obtained. TAP expressly reserves the right to supplement this Interrogatory Answer in the future.

Dated: March 19, 2007



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Certificate of Service

I, Lynn M. Stathas, hereby certify that on this 19th day of March 2007, a true and correct copy of **TAP PHARMACEUTICAL PRODUCTS INC.'S ANSWERS AND OBJECTIONS TO PLAINTIFF'S FOURTH SET OF INTERROGATORIES TO ALL DEFENDANTS** was served on all counsel of record by Lexis Nexis File & Serve®.



Lynn M. Stathas