

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

STATE OF WISCONSIN,)	
)	
)	
Plaintiff,)	
)	
v.)	Case No. 06-C-0582-C
)	
AMGEN, INC. ET AL.,)	
)	
)	
Defendants.)	
)	

**DEFENDANT TAP PHARMACEUTICAL PRODUCTS INC.'S RESPONSES
TO PLAINTIFF'S SECOND SET OF INTERROGATORIES TO ALL DEFENDANTS**

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure and the Local Rules of the United States District Court for the Western District of Wisconsin, defendant TAP Pharmaceutical Products Inc. ("TAP"), by its attorneys, objects and responds to Plaintiff's Second Set of Interrogatories ("Interrogatories") as follows:

PRELIMINARY STATEMENT AND GENERAL OBJECTIONS

1. TAP hereby adopts and incorporates by reference the Preliminary Statement and General Objections contained in TAP's Responses to Plaintiff's First Set of Interrogatories and to Plaintiff's First Set of Requests for Production of Documents, both of which were served on July 22, 2005. In addition, TAP adopts and incorporates by reference any objection to the Interrogatories made by any other defendant in this matter.

2. TAP objects to these Interrogatories to the extent they seek disclosure of information that is a matter of public record, is equally available to the Plaintiff, or is already in the Plaintiff's possession.

3. TAP objects to each interrogatory to the extent that it calls for information not within TAP's possession, custody or control.

OBJECTIONS TO DEFINITIONS

5. TAP objects to Plaintiff's "Definitions" to the extent Plaintiff intends to expand upon or alter TAP's obligations under the Federal Rules of Civil Procedure or the Court's Local Rules in responding to the Interrogatories. TAP will comply with the applicable rules of civil procedure in responding to Plaintiff's Second Set of Interrogatories.

6. TAP adopts and incorporates by reference its objections to the definitions of "Average Manufacturer Price," "AMP," "Defined Period of Time," and "Pharmaceutical" contained in TAP's responses to Plaintiff's First Set of Interrogatories and to Plaintiff's First Set of Requests for Production of Documents.

SPECIFIC OBJECTIONS AND RESPONSES TO 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?

ANSWER: TAP objects to Interrogatory No. 6 on the grounds that it is vague, ambiguous, and calls for a legal conclusion.

Subject to and without waiving its objections, TAP states that federal law does not prohibit and did not prohibit during the Defined Period of Time the State of Wisconsin from estimating or determining AMP. TAP further states that, for some drugs, the State could have derived the AMP from the Unit Rebate Amounts received during the Defined Period of Time. Furthermore, TAP is not aware of any federal or other prohibition during the Defined Period of Time that would have prevented the State from requesting AMP or from enacting a state law that would have required its submission.

INTERROGATORY NO. 7:

If the answer to Interrogatory No. 1 [sic] is anything other than an unqualified “no,”;

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

ANSWER: TAP objects to Interrogatory No. 7 on the grounds that it is vague, ambiguous, overbroad, and burdensome. TAP further objects to this interrogatory to the extent it seeks information publicly available to the Plaintiff.

Subject to and without waiving its objections, TAP incorporates by reference its answer to Interrogatory No. 6 and further states that 42 U.S.C. § 1396r-8 and the state Medicaid statutes and regulations for those states that require manufacturers to submit AMP provide support for TAP’s answer to Interrogatory No. 6.

Dated: December 14, 2006

DEFENDANT TAP PHARMACEUTICAL
PRODUCTS INC.



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Certificate of Service

I, Allen C. Schlinsog, Jr., hereby certify that on this 14th day of December, 2006, a true and correct copy of **DEFENDANT TAP PHARMACEUTICAL PRODUCTS INC.'S ANSWERS AND OBJECTIONS TO PLAINTIFF'S SECOND SET OF INTERROGATORIES TO ALL DEFENDANTS** was served on all counsel of record by Lexis Nexis File & Serve®.

/s/ Allen C. Schlinsog, Jr.

Allen C. Schlinsog, Jr.