

STATE OF WISCONSIN,

Plaintiff,

Case No.: 04-CV-1709

v.

AMGEN INC., et. al.,

Defendants.

**DEFENDANTS WATSON PHARMACEUTICALS, INC.'S AND
WATSON PHARMA, INC.'S RESPONSE AND OBJECTIONS TO
PLAINTIFF'S FIFTH SET OF INTERROGATORIES TO ALL DEFENDANTS**

Pursuant to the Wisconsin Rule of Civil Procedure 804.08, defendants Watson Pharmaceuticals, Inc. and Watson Pharma, Inc. ("Watson"), by and through undersigned counsel, object and respond to Plaintiff's Fifth Set of Interrogatories to All Defendants ("Interrogatory No. 13") as follows:

PRELIMINARY STATEMENT

1. The response and objections to Interrogatory No. 13 are made solely for the purposes of this action. Watson's response is subject to all objections as to competence, relevance, materiality, propriety, and admissibility, and to any and all other objections that may be applicable at a trial or other hearing or proceeding, all of which objections and grounds are expressly reserved and may be interposed at the time of trial.

2. Watson'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.

3. Watson's response is made based upon the usual interpretation of words contained in Interrogatory No. 13 since no definitions or instructions have been provided.

RESPONSE TO INTERROGATORY NO. 13

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: Watson objects to Interrogatory No. 13 on the grounds that it is overly broad, unduly burdensome, and the phrases "gross annual sales" and "attributable to Medicaid patients" are vague and ambiguous. Watson also 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 for Watson products not at issue in this case; (2) information for products purchased outside Wisconsin; (3) information for products not reimbursed by Wisconsin Medicaid; and (4) information for periods after the filing of the initial complaint in this action. Watson further objects to Interrogatory No. 13 to the extent it seeks information that is a matter of public record, is equally available to Plaintiff, or is already in the possession of Plaintiff. Watson also objects to Interrogatory

No. 13 to the extent it seeks to expand upon or alter Watson's obligations under the Wisconsin statutes.

Dated this 10th day of December, 2007.

GASS WEBER MULLINS LLC
Attorneys for Watson Pharmaceuticals, Inc. and
Watson Pharma, Inc.

s/Daniel S. Elger

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Certificate of Service

I, Daniel S. Elger, hereby certify that on this 10th day of December 2007, a true and correct copy of DEFENDANTS WATSON PHARMACEUTICALS, INC.'S AND WATSON PHARMA, INC.'S RESPONSE AND OBJECTIONS TO PLAINTIFF'S FIFTH SET OF INTERROGATORIES TO ALL DEFENDANTS was served on all counsel of record by Lexis Nexis File & Serve®.

s/Daniel S. Elger
Daniel S. Elger