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ATTORNEY GENERAL OF WASHINGTON

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June 12, 1991

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ANTITRUST BUREAU

All Counsel of Record

Re: Clozapine Antitrust Litigation, MDL 874

Dear Counsel:

Enclosed and served upon you please find States' Joint Requests for Production of Documents.

Very truly yours,

CAROL A. SMITH  
Chief Antitrust Section  
Consumer and Business  
Fair Practices Division  
(206) 464-7663

CAS/jfn

Enclosure

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS

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In re: : MDL 874  
Clozapine Antitrust : Hon. Harry D. Leinenweber  
Litigation :  
:

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This Document Relates to : STATES' JOINT SECOND REQUESTS  
the State Actions : FOR PRODUCTION OF DOCUMENTS  
:  
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Pursuant to Rule 34 of the Federal Rules of Civil Procedure, plaintiffs: the States of Alabama, Arizona, California, Colorado, Connecticut, Delaware, Florida, Idaho, Iowa, Kansas, Maine, Maryland, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, and Wisconsin; the Commonwealths of Massachusetts, Pennsylvania, and Virginia; and the District of Columbia (the "States") hereby propound requests for production of documents to the defendants: Sandoz Pharmaceuticals Corp. ("Sandoz") and Caremark, Inc. ("Caremark"). The States request that documents be produced in response to these requests by July 15, 1991.

DEFINITIONS

The following definitions apply to these requests for production:

1. "You," "your" or "yourself" means the defendants to whom the request is addressed. The definition includes any present or former officers, directors, employees, partners, corporate parent,

subsidiaries, affiliates, other representatives, and all other persons purporting to act on behalf of Sandoz or Caremark.

2. "Agranulocytosis" means a medical condition resulting from acute suppression of the bone marrow's ability to produce white blood cells.

3. "Blood Testing and Monitoring Market" means providing services for a fee, including blood drawing and analysis for side effects of clozapine or any other prescription or non-prescription drugs.

4. "Clozapine" is an atypical antipsychotic neuroleptic drug that is a tricyclic dibenzodiazepine derivative used for the treatment of schizophrenia.

5. "Clozaril" means Sandoz's trade name for clozapine.

6. "Competitor" this refers to any one person which you consider, view, or recognize as being in competition with you in the sale of drugs.

7. "CPMS" means Sandoz's program for monitoring patients for agranulocytosis before, during, and after administration of Clozaril. CPMS includes the sale of Clozaril. Sandoz has referred to CPMS as an acronym for "Clozaril Patient Management System," "Clozaril Patient Monitoring System," or "Clozaril Postmarket Surveillance."

8. "Document" this refers to any original written, typewritten, handwritten, printed or recorded material, as well as all tapes, computer discs, computer back-up tapes, computer journal tapes, nonduplicate copies and transcripts thereof, now or at any

time in your possession, custody, or control and, without limiting the generality of the foregoing definition, but for the purposes of illustration only, "document" includes notes, electronic mail, correspondence, memoranda, business records, diaries, calendars, address and telephone records, photographs, tape recordings, financial statements, and records.

9. "Governmental entity" means each State, county, city, incorporated city or town, school district, and every other kind of district, instrumentality, agency, or political subdivision of the State organized pursuant to law.

10. "National Clozapine Database" means Sandoz's computer services designed to collect and analyze patient medical history to track the incidence of the side effects of clozapine.

11. "New Distribution Systems" means the distribution system or systems for clozapine, implemented by Sandoz and Caremark and designed to replace CPMS.

12. "Patient Abuse" means any misuse of clozapine by any patient, whether intentional or accidental.

13. "Physician Testing or Monitoring" means blood drawing and analysis for side effects of clozapine conducted under the auspices of physicians, whether privately or publicly employed. The actual blood drawing and testing need not be conducted by physicians themselves, but may be done by nurses, lab technicians or phlebotomists.

## INSTRUCTIONS

The following instructions apply to these requests for production:

1. These requests for production cover the period of time from January 1, 1985 through the date of response hereto and are not limited to acts, communications, omissions, or statements within the United States of America.

2. If your answer to a particular discovery request is incomplete: (i) respond to the discovery request to the fullest extent possible; (ii) specify in detail the reasons for your inability to respond completely; and (iii) state the date by which you will make a full response.

3. Wherever necessary in order to bring within the scope of these discovery requests any information which might otherwise be construed to be outside their scope, the present tense shall be interpreted as including the past tense and the past tense shall be interpreted as including the present tense.

4. These discovery requests are continuing in nature; you are directed to supplement your responses hereto by providing in timely fashion such additional information called for herein as is obtained by you in the future.

## DOCUMENT REQUESTS

1. All documents concerning the termination or modification of the contractual relationship between Sandoz and Caremark.

2. All documents concerning the formation or continuation of any new business relationship between Sandoz and Caremark.

3. All documents concerning your past, present, or future plans, whether tentative, rejected, or acted upon, to enter the

blood testing and monitoring market and all documents detailing such participation, including marketing plans.

4. All documents concerning the degree to which other drugs or treatments may be substituted for clozapine treatment.

5. All documents concerning the degree to which the pricing of clozapine is affected by the pricing of other drugs or treatments.

6. All documents concerning the reason for establishing the national clozapine database.

7. All documents concerning any requests by third parties for access to the national clozapine database, including but not limited to your responses to such requests.

8. All documents concerning information from the national clozapine database that you have shared with third parties.

9. All documents concerning the scope of the information contained in the national clozapine database and the potential usage of such information.

10. All documents concerning the feasibility or practicality of a third party creating a database similar to the national clozapine database, including but not limited to analyses of costs and time constraints involved as well as the feasibility of acquiring the information contained in the national clozapine database.

11. All documents concerning the necessity of a national clozapine database.

12. All documents concerning the incidence of patient abuse of clozapine in the United States.

13. All documents concerning the incidence of patient abuse of clozapine in all other countries in which it is sold.

14. All documents concerning the reliability of physician testing or monitoring for agranulocytosis or other side effects of clozapine in the United States.

15. All documents concerning the reliability of physician testing or monitoring for agranulocytosis or other side effects of clozapine in all other countries in which clozapine is sold.

16. All documents concerning new distribution systems, including but not limited to the process by which the distribution systems was created, who operates the system(s), who is allowed to

distribute clozapine and under what circumstances, the pricing at each dosage level, and the number of patients at each dosage level.

17. All documents concerning the development and formation of your contracts with your clozapine distributors including retail pharmacists and doctors under the new distribution system(s).

18. All documents concerning potential distributors of clozapine under the new distribution system(s), whether accepted or rejected by you.

19. All contracts between you and your present or past distributors under the new distribution system(s).

20. All documents concerning limitations, contractual or otherwise, that have been placed on your distributors as preconditions to distribution of clozapine, including but not limited to territorial, price or quantity restrictions, as well as restrictions on who may purchase clozapine and under what conditions.

21. All documents concerning the format, design, pricing, development and implementation of the new distribution system(s), including the sales price(s) to the patient.

22. All documents concerning the standards you require in approving an alternative distribution system for clozapine, the number of systems approved and disapproved, the location and market service area.

23. All documents concerning Sandoz' consideration of marketing drugs other than clozapine where participation in a national database is required.

24. All documents concerning communications between you and purchasers of clozapine in which you make known to them the fact that they need not purchase the drug and non-drug services from Sandoz or Caremark.

25. All documents concerning the actual availability of clozapine from alternative distribution systems.

26. All documents concerning shortages of clozapine by pharmacists or other distributors or retailers other than Caremark.

27. All documents concerning communications between Sandoz and Caremark concerning all modifications of the CPMS program and adoption of the new distribution system.

28. All documents concerning Caremark's involvement in the development or implementation of the new distribution system.

29. All documents concerning your original expectations as to the number of patients you would serve with clozapine and the CPMS, how many patients you actually served, and any documents evaluating or explaining the reasons for inaccuracy in your prediction.

30. All documents authored or received by Carrie Smith Cox concerning clozapine including documents that may have been deleted from computers utilized by her.

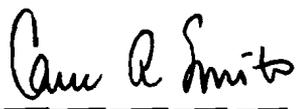
31. All documents authored or received by employees or officers of Corporate Decisions, Inc. concerning clozapine, a national clozapine data base and new distribution systems.

32. All documents concerning your computer and electronic mail systems, including operations manuals and other written procedures.

33. All documents concerning the effect of any and all clozapine marketing systems, including CPMS and new distribution systems, on your potential competitors.

DATED: Seattle, Washington  
June 12, 1991

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Attorney General of the  
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By:   
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CERTIFICATE OF SERVICE

I, Carol A. Smith, hereby certify that true and correct copies of STATES' JOINT SECOND REQUESTS FOR PRODUCTION OF DOCUMENTS have been served upon:

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by Federal Express Mail, priority overnight delivery charges prepaid, this 12th day of June, 1991, and all other parties on the

attached service list by United States Mail, first class postage prepaid, this 12th day of June, 1991.



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