

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

STATE OF FLORIDA, et al.,)
)
Plaintiffs,)
)
v.) C.A. No. 08-155 (SLR)
)
ABBOTT LABORATORIES, FOURNIER)
INDUSTRIE ET SANTÉ, and)
LABORATOIRES FOURNIER, S.A.,)
)
Defendants.)

MEMORANDUM ORDER

At Wilmington this 4th day of ^{August} July, 2009, having heard the parties' oral argument on July 21, 2009 regarding discovery disputes on the three subject areas set forth in the July 20, 2009 letter to the Court from Elizabeth G. Arthur;

IT IS ORDERED that:

1. **Existing discovery disputes:**

a. **Rebate information.** Notwithstanding Federal law, State law or contractual provisions, Plaintiffs shall provide the discovery requested by defendants with regard to rebate information, including discovery concerning the rebates paid by the manufacturers of any Fenofibrate Product (as that term is defined in defendants' April 29, 2009 First Set of Requests for the Production of Documents and Things, defendants' April 29, 2009 First Set of Interrogatories and defendants' June 10, 2009 Notice of Videotape Deposition of Each of the Plaintiff States).

b. **Electronic information services.** Plaintiffs shall provide the discovery requested by defendants in their First Set of Requests for the Production of Documents

and Things and in their June 10, 2009 Notice of Videotape Deposition of Each of the Plaintiff States with regard to electronic information services concerning prescription drugs.

c. **State substitution laws.** Plaintiffs are not required to produce a Rule 30(b)(6) deposition witness for item "12" of defendants' June 10, 2009 Notice of Videotape Deposition. Defendants may question fact witnesses in their individual capacity about the witness's personal knowledge of the contents of documents concerning state laws concerning the substitution of one prescription drug for another prescription drug ("state drug substitution laws"). Plaintiffs are not required to continue to search for documents concerning state drug substitution laws. However, any document that is responsive to a document request of defendants but also contains information concerning state drug substitution laws may not be withheld and shall be produced to defendants without redaction of the information concerning state drug substitution laws.

2. **Potential discovery disputes concerning document productions by plaintiffs:**

a. Plaintiffs shall **complete** their document productions on or before August 3, 2009.

b. On or before August 10, 2009, the parties shall submit agenda letters listing any unresolved disputes concerning plaintiffs' document productions. The parties may submit a joint agenda letter listing the unresolved disputes. The unresolved disputes will be addressed at the previously-ordered August 13, 2009 in-person discovery status conference.



UNITED STATES DISTRICT JUDGE