

Special Master Recommended Ruling - PSC "600"

Document 1 of 501

BATES\_RANGE : MRK-AAC0051588-MRK-AAC0051588  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 05/31/01  
AUTHOR : Reicin, Alise S.  
RECIPIENT : Gertz, Barry J.  
DESCRIPTION : E-mail reflecting a request for legal advice and opinions of Lahner, Joanne\* regarding draft CV manuscripts.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED IN PART; GRANTED IN PART  
SM\_REC\_EXPL : DENIED-Confidential communications with a lawyer generally are not revealed throughout the e-mail thread.  
GRANTED-First message, sentence beginning with "I was..." and ending with "...data set."  
BOX\_NUM : 1  
FOLDERNO : 6

Document 2 of 501

BATES\_RANGE : MRK-AAC0051601-MRK-AAC0051602  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 06/01/01  
AUTHOR : Reicin, Alise S.  
RECIPIENT : Gertz, Barry J.  
DESCRIPTION : E-mail reflecting a request for legal advice and opinions of Lahner, Joanne\* regarding draft CV manuscripts.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : GRANTED AS REDACTED  
BOX\_NUM : 1  
FOLDERNO : 6

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BATES\_RANGE : MRK-AAD0113784-MRK-AAD0113784  
ATTACHMENTS : Attaching MRK-AAD0113827-MRK-AAD0113868 Attaching MRK-AAD0113785-MRK-AAD0113826  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 12/06/01  
AUTHOR : Bolton, Anne H.\*  
RECIPIENT : Reicin, Alise S.  
DESCRIPTION : E-mail reflecting request for legal advice and review of draft slides for presentations.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 1  
FOLDERNO : 6

Document 4 of 501

BATES\_RANGE : MRK-AAD0113785-MRK-AAD0113826  
ATTACHMENTS : Attached to MRK-AAD0113784-MRK-AAD0113784  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 12/06/01  
AUTHOR : Bolton, Anne H.\*  
RECIPIENT : Reicin, Alise S.  
DESCRIPTION : Draft slides reflecting client confidences and legal advice and opinions regarding VIGOR study issues.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 1  
FOLDERNO : 6

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BATES\_RANGE : MRK-AAD0113827-MRK-AAD0113868  
ATTACHMENTS : Attached to MRK-AAD0113784-MRK-AAD0113784  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 12/6/2001  
AUTHOR : Bolton, Anne H.\*  
RECIPIENT : Reicin, Alise S.  
DESCRIPTION : Draft slides regarding VIGOR and CLASS studies reflecting client confidences and legal advice and opinions.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 1  
FOLDERNO : 6

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BATES\_RANGE : MRK-AAD0113871-MRK-AAD0113871  
ATTACHMENTS : Attaching MRK-AAD0113872-MRK-AAD0113915  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 12/6/2001  
AUTHOR : Rodger, Ian W.  
RECIPIENT : Reicin, Alise S.; Bolton, Anne H.\*; Reed, Pamela R. cc: Rodger, Ian W.  
DESCRIPTION : E-mail reflecting client confidences and a request for legal advice and opinions regarding draft CV-Renal slide presentation.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART; DENIED IN PART  
SM\_REC\_EXPL : Sent to both lawyer and non-lawyer for comment. Not primarily for legal advice - Denied. First sentence and last sentence of last full paragraph may be redacted - Granted.  
BOX\_NUM : 1  
FOLDERNO : 6

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BATES\_RANGE : MRK-AAD0113872-MRK-AAD0113915  
ATTACHMENTS : Attached to MRK-AAD0113871-MRK-AAD0113871  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 12/06/01  
AUTHOR : Rodger, Ian W.  
RECIPIENT : Reicin, Alise S.; Bolton, Anne H.\*; Reed, Pamela R. cc: Rodger, Ian W.  
DESCRIPTION : Draft slide presentation reflecting client confidences and a request for legal advice and review of cardiovascular safety results.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED  
SM\_REC\_EXPL : Attachment to a mixed purpose communication is not privileged.  
BOX\_NUM : 1  
FOLDERNO : 6

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BATES\_RANGE : MRK-AAD0172716-MRK-AAD0172719  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/09/02  
AUTHOR : Sperling, Rhoda  
RECIPIENT : Reicin, Alise S.; incorporating email to Lahner, Joanne\*  
DESCRIPTION : E-mail requesting legal advice and opinions from Lahner, Joanne\* regarding CV article issues.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART DENIED IN PART  
SM\_REC\_EXPL : Whole e-mail thread is not listed on the privilege log.  
First message not primarily for legal advice. Sent to many for review - Denied.  
Second message from Lahner does not reveal legal advice - Denied.

Third message to Lahner related to prior comments of Lahner - Granted.  
Fourth and Fifth messages reveal no request for advice or advice rendered by an attorney. Sixth and Seventh and messages not primarily legal advice or a request for legal advice - Denied.  
Eighth message does not give or reveal legal advice - Denied.

BOX\_NUM : 1  
FOLDERNO : 6

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BATES\_RANGE : MRK-AAD0172721-MRK-AAD0172724  
ATTACHMENTS : Attaching MRK-AAD0172725-MRK-AAD0172758  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/09/02  
AUTHOR : Sperling, Rhoda S.  
RECIPIENT : Reicin, Alise S.; Lahner, Joanne\*  
DESCRIPTION : E-mail reflecting a request for legal advice and opinions from Lahner, Joanne\* regarding journal article on Cox-2 and CV events.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART DENIED IN PART  
SM\_REC\_EXPL : Whole e-mail thread is not listed on the privilege log.  
First message not primarily for legal advice. Sent to many for review - Denied.  
Second message from Lahner does not reveal legal advice - Denied.  
Third message to Lahner related to prior comments of Lahner - Granted.  
Fourth message sent to lawyer and non-lawyer - not primarily legal in purpose. Fifth message sent to both lawyer & non-lawyer but specifically addressed to the non-lawyer - not legal in purpose - Denied.  
Sixth, Seventh, and Eighth messages sent to lawyer and non-lawyer - not primarily for legal advice - Denied.

BOX\_NUM : 1  
FOLDERNO : 6

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BATES\_RANGE : MRK-AAD0172725-MRK-AAD0172758  
ATTACHMENTS : Attached to MRK-AAD0172721-MRK-AAD0172724  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/09/02  
AUTHOR : Sperling, Rhoda S.  
RECIPIENT : Reicin, Alise S.; Lahner, Joanne\*  
DESCRIPTION : Draft manuscript reflecting a request for legal advice and opinions regarding study issues.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART DENIED IN PART  
SM\_REC\_EXPL : Attachment to a mixed purpose communication is not privileged but Merck can redact the comment of the lawyer affixed to it.

BOX\_NUM : 1  
FOLDERNO : 6

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BATES\_RANGE : MRK-AAD0173146-MRK-AAD0173149  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/10/02  
AUTHOR : Sperling, Rhoda  
RECIPIENT : Reicin, Alise S.; incorporating email to Lahner, Joanne\*  
DESCRIPTION : E-mail requesting legal advice and opinions from Lahner, Joanne\* regarding CV article issues.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART DENIED IN PART  
SM\_REC\_EXPL : Whole e-mail thread is not listed on the privilege log.

First message not primarily for legal advice. Sent to many for review - Denied.  
Second message from Lahner does not reveal legal advice given - Denied.  
Third message related prior advice of Lahner - Granted.  
Fourth message sent to lawyer and non-lawyer - not primarily for legal advice - Denied.  
Fifth message sent to lawyer and non-lawyer but content is addressed specifically to non-lawyer - not primarily for legal advice - Denied.  
Sixth, Seventh & Eighth messages sent to lawyer and non-lawyer - not primarily for legal advice - Denied.  
Ninth message seeks legal approval, but there is nothing confidential about this since everything has to get Legal's approval - Denied.  
Tenth message is neither seeking nor giving legal advice - Denied.  
Eleventh message is not seeking legal assistance - Denied.

BOX\_NUM : 1  
FOLDERNO : 6

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BATES\_RANGE : MRK-AAZ0004155-MRK-AAZ0004155  
ATTACHMENTS : Attaching MRK-AAZ0004156-MRK-AAZ0004199  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 12/08/01  
AUTHOR : Bolton, Anne H.\*  
RECIPIENT : Demopoulos, Laura A. cc: Lahner, Joanne\*; Glasser, Harold A.\*; Reicin, Alise S.  
DESCRIPTION : E-mail requesting legal advice and opinions and regarding Vioxx's relationship to CV events.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 1  
FOLDERNO : 6

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BATES\_RANGE : MRK-AAZ0004156-MRK-AAZ0004199  
ATTACHMENTS : Attached to MRK-AAZ0004155-MRK-AAZ0004155  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 12/08/01  
AUTHOR : Bolton, Anne H.\*  
RECIPIENT : Demopoulos, Laura A. cc: Lahner, Joanne\*; Glasser, Harold A.\*; Reicin, Alise S.  
DESCRIPTION : Draft presentation reflecting a request for legal advice and opinions of cardiovascular safety results.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 1  
FOLDERNO : 6

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BATES\_RANGE : MRK-ABK0150542-MRK-ABK0150545  
ATTACHMENTS : Attaching MRK-ABK0150546-MRK-ABK0150579  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/09/02  
AUTHOR : Sperling, Rhoda S.  
RECIPIENT : Lahner, Joanne\*; Reicin, Alise S.  
DESCRIPTION : E-mail reflecting a request for legal advice and opinions from Lahner, Joanne\* regarding CV article issues.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART DENIED IN PART  
SM\_REC\_EXPL : Whole e-mail thread is not listed on the privilege log.  
First message not primarily for legal advice. Sent to many for review - Denied.  
Second message from Lahner does not reveal legal advice - Denied.

Third message to Lahner related to prior comments of Lahner - Granted.  
Fourth message sent to lawyer and non-lawyer - not primarily legal in purpose. Fifth message sent to both lawyer & non-lawyer but specifically addressed to the non-lawyer - not legal in purpose - Denied.  
Sixth, Seventh, and Eighth messages sent to lawyer and non-lawyer - not primarily for legal advice - Denied.

BOX\_NUM : 1  
FOLDERNO : 6

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BATES\_RANGE : MRK-ABK0150546-MRK-ABK0150579  
ATTACHMENTS : Attached to MRK-ABK0150542-MRK-ABK0150545  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/09/02  
AUTHOR : Sperling, Rhoda S.  
RECIPIENT : Reicin, Alise S.; Lahner, Joanne\*  
DESCRIPTION : Draft manuscript reflecting a request for legal advice and opinions.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART DENIED IN PART  
SM\_REC\_EXPL : Attachment to a mixed purpose communication is not privileged but Merck can redact the comment of the lawyer affixed to it.

BOX\_NUM : 1  
FOLDERNO : 6

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BATES\_RANGE : MRK-ABK0150580-MRK-ABK0150583  
ATTACHMENTS : Attaching MRK-ABK0150584-MRK-ABK0150617  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/10/02  
AUTHOR : Sperling, Rhoda S.  
RECIPIENT : Lahner, Joanne\* cc: Reicin, Alise S.; Thompson, Caroline J.  
DESCRIPTION : E-mail reflecting legal advice and opinions regarding a draft abstract concerning VIOXX study results.

W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART; DENIED IN PART  
SM\_REC\_EXPL : Whole e-mail thread is not listed on the privilege log.  
First message not primarily for legal advice. Sent to many for review - Denied.  
Second message from Lahner does not reveal legal advice - Denied.  
Third message to Lahner related to prior comments of Lahner - Granted.  
Fourth message sent to both lawyer and non-lawyer. Not primarily for legal advice - Denied.  
Fifth message sent to both lawyer and non-lawyer and reveals no request for advice or advice rendered by an attorney. Content is specifically addressed to non-lawyer - not primarily for legal advice - Denied.  
Sixth, Seventh and Eighth messages not primarily legal advice or a request for legal advice - Denied.  
Ninth Message - Granted.

BOX\_NUM : 1  
FOLDERNO : 6

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BATES\_RANGE : MRK-ABK0150584-MRK-ABK0150617  
ATTACHMENTS : Attached to MRK-ABK0150580-MRK-ABK0150583  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/10/02  
AUTHOR : Sperling, Rhoda S.  
RECIPIENT : Lahner, Joanne\* cc: Reicin, Alise S.; Thompson, Caroline J.

Special Master Recommended Ruling - PSC "600"

DESCRIPTION : Draft manuscript reflecting a request for legal advice and opinions.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED  
SM\_REC\_EXPL : Attachment to a mixed purpose communication is not privileged.  
BOX\_NUM : 1  
FOLDERNO : 6

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BATES\_RANGE : MRK-ABK0220974-MRK-ABK0220977  
ATTACHMENTS : Attaching MRK-ABK0220978-MRK-ABK0221011  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/09/02  
AUTHOR : Sperling, Rhoda S.  
RECIPIENT : Reicin, Alise S.; Lahner, Joanne\*  
DESCRIPTION : E-mail reflecting a request for legal advice and opinions from Lahner, Joanne\* regarding journal article on Cox-2 and CV events.

W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART DENIED IN PART  
SM\_REC\_EXPL : Whole e-mail thread is not listed on the privilege log.  
First message not primarily for legal advice. Sent to many for review - Denied.  
Second message from Lahner does not reveal legal advice - Denied.  
Third message to Lahner related to prior comments of Lahner - Granted.  
Fourth message sent to lawyer and non-lawyer - not primarily legal in purpose. Fifth message sent to both lawyer & non-lawyer but specifically addressed to the non-lawyer - not legal in purpose - Denied.  
Sixth, Seventh, and Eighth messages sent to lawyer and non-lawyer - not primarily for legal advice- Denied.

BOX\_NUM : 1  
FOLDERNO : 6

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BATES\_RANGE : MRK-ABK0220978-MRK-ABK0221011  
ATTACHMENTS : Attached to MRK-ABK0220974-MRK-ABK0220977  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/09/02  
AUTHOR : Sperling, Rhoda S.  
RECIPIENT : Reicin, Alise S.; Lahner, Joanne\*  
DESCRIPTION : Draft manuscript reflecting a request for legal advice and opinions regarding study issues.

W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART DENIED IN PART  
SM\_REC\_EXPL : Attachment to a mixed purpose communication is not privileged, but Merck can redact the comments of the lawyer affixed to it.

BOX\_NUM : 1  
FOLDERNO : 6

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BATES\_RANGE : MRK-ABK0456011-MRK-ABK0456031  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : Undated  
AUTHOR : Shapiro, Deborah; Barr, Eliav; Yu, Qinfen; Reicin, Alise S; Sperling, Rhoda S  
RECIPIENT : Melin, Jeffrey  
DESCRIPTION : Draft report reflecting a request for legal advice and opinions from Lahner, Joanne\* regarding CV events in patients taking a rofecoxib.

W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : GRANTED  
SM\_REC\_EXPL : As redacted.

Special Master Recommended Ruling - PSC "600"

BOX\_NUM : 1  
FOLDERNO : 6

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BATES\_RANGE : MRK-ABK0491726-MRK-ABK0491726  
ATTACHMENTS : Attaching MRK-ABK0491727-MRK-ABK0491764  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 03/25/02  
AUTHOR : Sperling, Rhoda S.  
RECIPIENT : Lahner, Joanne\* cc: Reicin, Alise S.  
DESCRIPTION : E-mail reflecting client confidences and a request for legal advice and opinions regarding review of CV review article.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART DENIED IN PART  
SM\_REC\_EXPL : Whole e-mail thread is not listed on the privilege log.  
First message not primarily for legal advice. Sent to many to review - Denied.  
Second message from Lahner does not reveal legal advice given - Denied.  
Third message related prior advice of Lahner - Granted.

BOX\_NUM : 1  
FOLDERNO : 6

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BATES\_RANGE : MRK-ABK0491727-MRK-ABK0491764  
ATTACHMENTS : Attached to MRK-ABK0491726-MRK-ABK0491726  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 03/25/02  
AUTHOR : Sperling, Rhoda S.  
RECIPIENT : Lahner, Joanne\* cc: Reicin, Alise S.  
DESCRIPTION : Draft manuscript reflecting legal advice and opinions regarding rofecoxib study.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART DENIED IN PART  
SM\_REC\_EXPL : The attachment to a mixed purpose communication is not privileged, but Merck can redact the comments of the lawyer on the attachment before producing it.

BOX\_NUM : 1  
FOLDERNO : 6

Document 23 of 501

BATES\_RANGE : MRK-ABK0494031-MRK-ABK0494031  
ATTACHMENTS : Attaching MRK-ABK0494032-MRK-ABK0494040 Attaching MRK-ABK0494041-MRK-ABK0494049  
Attaching MRK-ABK0494050-MRK-ABK0494057 Attaching MRK-ABK0494058-MRK-ABK0494059  
PRIV\_CLAIM : Attorney-Client Privilege and Work Product  
DATE : 03/12/02  
AUTHOR : Epstein, Linda\*  
RECIPIENT : Reicin, Alise S.  
DESCRIPTION : Correspondence reflecting legal advice and opinions regarding litigation issues and preparatory measures taken in anticipation of litigation.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED  
SM\_REC\_EXPL : Communication from an attorney to a client is only derivatively protected by the privilege. Mailing pre-existing publications does not disclose prior confidential communications of the client.

BOX\_NUM : 1  
FOLDERNO : 4

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BATES\_RANGE : MRK-ABK0494032-MRK-ABK0494040

Special Master Recommended Ruling - PSC "600"

ATTACHMENTS : Attached to MRK-ABK0494031-MRK-ABK0494031  
PRIV\_CLAIM : Attorney-Client Privilege and Work Product  
DATE : 03/12/02  
AUTHOR : Epstein, Linda\*  
RECIPIENT : Reicin, Alise S.  
DESCRIPTION : Article reflecting legal advice and opinions regarding litigation issues and preparatory measures taken in anticipation of litigation.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED  
SM\_REC\_EXPL : Communication from an attorney to a client is only derivatively protected by the privilege. Mailing pre-existing publications does not disclose prior confidential communications of the client.  
BOX\_NUM : 1  
FOLDERNO : 4

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BATES\_RANGE : MRK-ABK0494041-MRK-ABK0494049  
ATTACHMENTS : Attached to MRK-ABK0494031-MRK-ABK0494031  
PRIV\_CLAIM : Attorney-Client Privilege and Work Product  
DATE : 09/17/01  
AUTHOR : Abrams, Thomas W.  
RECIPIENT : Gilmartin, Raymond V.  
DESCRIPTION : Correspondence reflecting legal advice and opinions regarding litigation issues and preparatory measures taken in anticipation of litigation.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED  
BOX\_NUM : 1  
FOLDERNO : 4

Document 26 of 501

BATES\_RANGE : MRK-ABK0494050-MRK-ABK0494057  
ATTACHMENTS : Attached to MRK-ABK0494031-MRK-ABK0494031  
PRIV\_CLAIM : Attorney-Client Privilege and Work Product  
DATE : 10/01/01  
AUTHOR : Antice, David W.  
RECIPIENT : Abrams, Thomas W. cc: Gilmartin, Raymond V.  
DESCRIPTION : Correspondence reflecting legal advice and opinions regarding litigation issues and preparatory measures taken in anticipation of litigation.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED  
BOX\_NUM : 1  
FOLDERNO : 6

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BATES\_RANGE : MRK-ABK0494058-MRK-ABK0494059  
ATTACHMENTS : Attached to MRK-ABK0494031-MRK-ABK0494031  
PRIV\_CLAIM : Attorney-Client Privilege and Work Product  
DATE : 03/12/02  
AUTHOR : Epstein, Linda\*  
RECIPIENT : Reicin, Alise S.  
DESCRIPTION : Press release reflecting legal advice and opinions regarding public relations issues.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED  
SM\_REC\_EXPL : Communication from an attorney to a client is only derivatively protected by the privilege. Mailing pre-existing publications does not disclose prior confidential communications of the client.  
BOX\_NUM : 1  
FOLDERNO : 4

Special Master Recommended Ruling - PSC "600"

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BATES\_RANGE : MRK-ABY0000411-MRK-ABY0000414  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 06/25/01  
AUTHOR : Kostek, Alexander M.  
RECIPIENT : Straus, Walter L; Krupa, David A; Reicin, Alise S; Sperling, Rhoda; Mortensen, Eric R; Rode, Robert J; Laurenzi, Martino; Simon, Thomas; Kong, Sheldon X; EIDada, Riad H; Morrison, Briggs W.\*; Malloy, Tracey; Ruef, Tim; Schwartz, Jules; plus others from distribution list  
DESCRIPTION : Minutes of meeting reflecting a request for legal advice and opinions regarding CV Safety manuscript submission.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : GRANTED IN PART; DENIED IN PART  
SM\_REC\_EXPL : Redaction on p. 412 - Denied because it merges both legal and medical decisions. Not primarily legal.  
Redaction on p. 413 - Granted.  
BOX\_NUM : 1  
FOLDERNO : 6

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BATES\_RANGE : MRK-ACC0042022-MRK-ACC0042024  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/07/02  
AUTHOR : Reicin, Alise S.  
RECIPIENT : Sperling, Rhoda; Lahner, Joanne\*  
DESCRIPTION : E-mail reflecting a request for legal advice and opinions regarding CV article issues.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART DENIED IN PART  
SM\_REC\_EXPL : Whole e-mail thread is not listed on the privilege log. First message not primarily for legal advice. Sent to many for review - Denied.  
Second message from Lahner does not reveal legal advice - Denied.  
Third message to Lahner related to prior comments of Lahner - Granted.  
Fourth and Fifth messages- Granted.  
BOX\_NUM : 1  
FOLDERNO : 6

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BATES\_RANGE : MRK-ACC0042097-MRK-ACC0042099  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/09/02  
AUTHOR : Reicin, Alise S.  
RECIPIENT : Sperling, Rhoda; Lahner, Joanne\*  
DESCRIPTION : E-mail reflecting a request for legal advice and opinions regarding CV article issues.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART; DENIED IN PART  
SM\_REC\_EXPL : First message not primarily for legal advice. Sent to many for review - Denied.  
Second message from Lahner does not reveal legal advice - Denied.  
Third message to Lahner related to prior comments of Lahner - Granted.  
Fourth and Fifth messages reveal no request for advice or advice rendered by an attorney. Sixth and Seventh and messages not primarily legal advice or a request for legal advice - Denied.  
BOX\_NUM : 1  
FOLDERNO : 6

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BATES\_RANGE : MRK-ACC0042138-MRK-ACC0042141

Special Master Recommended Ruling - PSC "600"

PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/10/02  
AUTHOR : Reicin, Alise S.  
RECIPIENT : Sperling, Rhoda incorporating email to Lahner, Joanne\*  
DESCRIPTION : E-mail reflecting a request for legal advice and opinions from Lahner, Joanne\* regarding CV article issues.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART DENIED IN PART  
SM\_REC\_EXPL : Whole e-mail thread is not listed on the privilege log.  
First message not primarily for legal advice. Sent to many for review - Denied.  
Second message from Lahner does not reveal legal advice given - Denied.  
Third message related prior advice of Lahner - Granted.  
Fourth message sent to lawyer and non-lawyer - not primarily for legal advice - Denied.  
Fifth message sent to lawyer and non-lawyer but content is addressed specifically to non-lawyer - not primarily for legal advice - Denied.  
Sixth, Seventh & Eighth messages sent to lawyer and non-lawyer - not primarily for legal advice - Denied.  
Ninth message seeks legal approval, but there is nothing confidential about this since everything has to get Legal's approval - Denied.  
Tenth message is neither seeking nor giving legal advice - Denied.  
BOX\_NUM : 1  
FOLDERNO : 6

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BATES\_RANGE : MRK-ACC0042142-MRK-ACC0042145  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/10/02  
AUTHOR : Reicin, Alise S.  
RECIPIENT : Sperling, Rhoda; incorporating to from Lahner, Joanne\*  
DESCRIPTION : E-mail reflecting a request for legal advice and opinions from Lahner, Joanne\* regarding CV article issues..  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART DENIED IN PART  
SM\_REC\_EXPL : Whole e-mail thread is not listed on the privilege log.  
First message not primarily for legal advice. Sent to many for review - Denied.  
Second message from Lahner does not reveal legal advice given - Denied.  
Third message related prior advice of Lahner - Granted.  
Fourth message sent to lawyer and non-lawyer - not primarily for legal advice - Denied.  
Fifth message sent to lawyer and non-lawyer but content is addressed specifically to non-lawyer - not primarily for legal advice - Denied.  
Sixth, Seventh & Eighth messages sent to lawyer and non-lawyer - not primarily for legal advice - Denied.  
Ninth message seeks legal approval, but there is nothing confidential about this since everything has to get Legal's approval - Denied.  
Tenth message is neither seeking nor giving legal advice - Denied.  
Eleventh message is not seeking legal assistance - Denied.  
Twelfth message is not seeking legal assistance - Denied.

BOX\_NUM : 1  
FOLDERNO : 6

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BATES\_RANGE : MRK-ACC0042295-MRK-ACC0042299  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/11/02  
AUTHOR : Hirsch, Laurence J.  
RECIPIENT : Sperling, Rhoda; Reicin, Alise S.;incorporating email to Lahner, Joanne\*

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DESCRIPTION : E-mail reflecting a request for legal advice and opinions from Lahner, Joanne\* regarding CV article issues.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART DENIED IN PART  
SM\_REC\_EXPL : Whole e-mail thread is not listed on the privilege log.  
First message not primarily for legal advice. Sent to many for review - Denied.  
Second message from Lahner does not reveal legal advice given - Denied.  
Third message related prior advice of Lahner - Granted.  
Fourth message sent to lawyer and non-lawyer - not primarily for legal advice - Denied.  
Fifth message sent to lawyer and non-lawyer but content is addressed specifically to non-lawyer - not primarily for legal advice - Denied.  
Sixth, Seventh & Eighth messages sent to lawyer and non-lawyer - not primarily for legal advice - Denied.  
Ninth message seeks legal approval, but there is nothing confidential about this since everything has to get Legal's approval - Denied.  
Tenth message does not relate legal advice from Lahner - Denied.  
Eleventh message does not reveal confidential information communicated to or by an attorney - Denied.  
Twelfth message is neither to nor from an attorney - not legal in nature - Denied.

BOX\_NUM : 1  
FOLDERNO : 6

Document 34 of 501

BATES\_RANGE : MRK-ACC0044540-MRK-ACC0044542  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/07/02  
AUTHOR : Reicin, Alise S.  
RECIPIENT : Sperling, Rhoda; Lahner, Joanne\*  
DESCRIPTION : E-mail reflecting a request for legal advice and opinions from Lahner, Joanne\* regarding CV article issues.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART DENIED IN PART  
SM\_REC\_EXPL : Whole e-mail thread is not listed on the privilege log. First message not primarily for legal advice.  
Sent to many for review - Denied.  
Second message from Lahner does not reveal legal advice - Denied.  
Third message to Lahner related to prior comments of Lahner - Granted.  
Fourth and Fifth message - Granted.

BOX\_NUM : 1  
FOLDERNO : 6

Document 35 of 501

BATES\_RANGE : MRK-ACC0044696-MRK-ACC0044698  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/09/02  
AUTHOR : Reicin, Alise S.  
RECIPIENT : Sperling, Rhoda; Lahner, Joanne\*  
DESCRIPTION : E-mail reflecting a request for legal advice and opinions from Lahner, Joanne\* regarding CV article issues.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART DENIED IN PART  
SM\_REC\_EXPL : First message not primarily for legal advice. Sent to many for review - Denied.  
Second message from Lahner does not reveal legal advice - Denied.  
Third message to Lahner related to prior comments of Lahner - Granted.  
Fourth and Fifth messages reveal no request for advice or advice rendered by an attorney. Sixth and Seventh and messages not primarily legal advice or a request for legal advice - Denied.

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BOX\_NUM : 1  
FOLDERNO : 6

Document 36 of 501

BATES\_RANGE : MRK-ACC0044811-MRK-ACC0044814  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/10/02  
AUTHOR : Reicin, Alise S. and incorporating email from Sperling, Rhoda to Lahner, Joanne\*  
RECIPIENT : Sperling, Rhoda;  
DESCRIPTION : E-mail reflecting a request for legal advice, legal review and legal opinions regarding draft review of cardiovascular article.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART DENIED IN PART  
SM\_REC\_EXPL : Whole e-mail thread is not listed on the privilege log.  
First message not primarily for legal advice. Sent to many for review - Denied.  
Second message from Lahner does not reveal legal advice given - Denied.  
Third message related prior advice of Lahner - Granted.  
Fourth message sent to lawyer and non-lawyer - not primarily for legal advice - Denied.  
Fifth message sent to lawyer and non-lawyer but content is addressed specifically to non-lawyer - not primarily for legal advice - Denied.  
Sixth, Seventh & Eighth messages sent to lawyer and non-lawyer - not primarily for legal advice - Denied.  
Ninth message seeks legal approval, but there is nothing confidential about this since everything has to get Legal's approval - Denied.  
Tenth message is neither seeking nor giving legal advice - Denied.

BOX\_NUM : 1  
FOLDERNO : 6

Document 37 of 501

BATES\_RANGE : MRK-ACC0044816-MRK-ACC0044819  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/10/02  
AUTHOR : Reicin, Alise S.  
RECIPIENT : Sperling, Rhoda;incorporating email to Lahner, Joanne\*  
DESCRIPTION : E-mail reflecting a request for legal advice and opinions from Lahner, Joanne\* regarding CV article issues.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART DENIED IN PART  
SM\_REC\_EXPL : Whole e-mail thread is not listed on the privilege log.  
First message not primarily for legal advice. Sent to many for review - Denied.  
Second message from Lahner does not reveal legal advice given - Denied.  
Third message related prior advice of Lahner - Granted.  
Fourth message sent to lawyer and non-lawyer - not primarily for legal advice - Denied.  
Fifth message sent to lawyer and non-lawyer but content is addressed specifically to non-lawyer - not primarily for legal advice - Denied.  
Sixth, Seventh & Eighth messages sent to lawyer and non-lawyer - not primarily for legal advice - Denied.  
Ninth message seeks legal approval, but there is nothing confidential about this since everything has to get Legal's approval - Denied.  
Tenth message is neither seeking nor giving legal advice - Denied.  
Eleventh message is not seeking legal assistance - Denied.  
Twelfth message is not seeking legal assistance - Denied.

BOX\_NUM : 1  
FOLDERNO : 6

Document 38 of 501

BATES\_RANGE : MRK-ACC0045029-MRK-ACC0045033  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/11/02  
AUTHOR : Hirsch, Laurence J.  
RECIPIENT : Sperling, Rhoda; Reicin, Alise S.; incorporating email to Lahner, Joanne\*  
DESCRIPTION : E-mail reflecting a request for legal advice and opinions from Lahner, Joanne\* regarding CV article issues.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART DENIED IN PART  
SM\_REC\_EXPL : Whole e-mail thread is not listed on the privilege log.  
First message not primarily for legal advice. Sent to many for review - Denied.  
Second message from Lahner does not reveal legal advice given - Denied.  
Third message related prior advice of Lahner - Granted.  
Fourth message sent to lawyer and non-lawyer - not primarily for legal advice - Denied.  
Fifth message sent to lawyer and non-lawyer but content is addressed specifically to non-lawyer - not primarily for legal advice - Denied.  
Sixth, Seventh & Eighth messages sent to lawyer and non-lawyer - not primarily for legal advice - Denied.  
Ninth message seeks legal approval, but there is nothing confidential about this since everything has to get Legal's approval - Denied.  
Tenth message does not relate legal advice from Lahner - Denied.  
Eleventh message does not reveal confidential information communicated to or by an attorney - Denied.  
Twelfth message is neither to nor from an attorney - not legal in nature - Denied.

BOX\_NUM : 1  
FOLDERNO : 6

Document 39 of 501

BATES\_RANGE : MRK-ACC0049166-MRK-ACC0049168  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/08/02  
AUTHOR : Sperling, Rhoda  
RECIPIENT : Reicin, Alise S. ; incorporating email to Lahner, Joanne\*  
DESCRIPTION : E-mail reflecting a request for legal advice and opinions from Lahner, Joanne\* regarding CV article issues.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART DENIED IN PART  
SM\_REC\_EXPL : Whole e-mail thread is not listed on the privilege log.  
First message not primarily for legal advice. Sent to many for review - Denied.  
Second message from Lahner does not reveal legal advice - Denied.  
Third message to Lahner related to prior comments of Lahner - Granted.  
Fourth message addressed to both lawyer and non-lawyer - not primarily for legal advice - Denied.  
Fifth message - Granted.  
Sixth message is not a request for legal advice - Denied.

BOX\_NUM : 1  
FOLDERNO : 6

Document 40 of 501

BATES\_RANGE : MRK-ACC0049202-MRK-ACC0049204  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/08/02  
AUTHOR : Sperling, Rhoda  
RECIPIENT : Reicin, Alise S.; Lahner, Joanne\*  
DESCRIPTION : E-mail reflecting a request for legal advice and opinions from Lahner, Joanne\* regarding CV article

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issues.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART DENIED IN PART  
SM\_REC\_EXPL : Whole e-mail thread is not listed on the privilege log.  
First message not primarily for legal advice. Sent to many for review - Denied.  
Second message from Lahner does not reveal legal advice - Denied.  
Third message to Lahner related to prior comments of Lahner - Granted.  
Fourth message addressed to both lawyer and non-lawyer - not primarily for legal advice - Denied.  
Fifth message - Granted.  
Sixth message is not a request for legal advice - Denied.

BOX\_NUM : 1  
FOLDERNO : 6

Document 41 of 501

BATES\_RANGE : MRK-ACC0049264-MRK-ACC0049267  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/09/02  
AUTHOR : Sperling, Rhoda and incorporating email from Sperling, Rhoda to Lahner, Joanne\*  
RECIPIENT : Reicin, Alise S.;incorporating email to Lahner, Joanne\*  
DESCRIPTION : E-mail reflecting a request for legal advice, legal review and legal opinions regarding draft review of cardiovascular article.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART DENIED IN PART  
SM\_REC\_EXPL : First message not primarily for legal advice. Sent to many for review - Denied.  
Second message from Lahner does not reveal legal advice - Denied.  
Third message to Lahner related to prior comments of Lahner - Granted.  
Fourth and Fifth messages reveal no request for advice or advice rendered by an attorney. Sixth and Seventh and messages not primarily legal advice or a request for legal advice - Denied.  
Eighth message does not give or reveal legal advice - Denied.

BOX\_NUM : 1  
FOLDERNO : 6

Document 42 of 501

BATES\_RANGE : MRK-ACC0049298-MRK-ACC0049301  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/10/02  
AUTHOR : Sperling, Rhoda  
RECIPIENT : Reicin, Alise S.;incorporating email to Lahner, Joanne\*  
DESCRIPTION : E-mail reflecting a request for legal advice and opinions from Lahner, Joanne\* regarding CV article issues.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART DENIED IN PART  
SM\_REC\_EXPL : Whole e-mail thread is not listed on the privilege log.  
First message not primarily for legal advice. Sent to many for review - Denied.  
Second message from Lahner does not reveal legal advice given - Denied.  
Third message related prior advice of Lahner - Granted.  
Fourth message sent to lawyer and non-lawyer - not primarily for legal advice - Denied.  
Fifth message sent to lawyer and non-lawyer but content is addressed specifically to non-lawyer - not primarily for legal advice - Denied.  
Sixth, Seventh & Eighth messages sent to lawyer and non-lawyer - not primarily for legal advice - Denied.  
Ninth message seeks legal approval, but there is nothing confidential about this since everything has to get Legal's approval - Denied.  
Tenth message is neither seeking nor giving legal advice - Denied.  
Eleventh message is not seeking legal assistance - Denied.

BOX\_NUM : 1  
FOLDERNO : 6

Document 43 of 501

BATES\_RANGE : MRK-ACC0052442-MRK-ACC0052444  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/08/02  
AUTHOR : Sperling, Rhoda  
RECIPIENT : Reicin, Alise S.;incorporating email to Lahner, Joanne\*  
DESCRIPTION : E-mail reflecting legal advice and opinions from Lahner, Joanne\* regarding CV article issues.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART DENIED IN PART  
SM\_REC\_EXPL : Whole e-mail thread is not listed on the privilege log.  
First message not primarily for legal advice. Sent to many for review - Denied.  
Second message from Lahner does not reveal legal advice - Denied.  
Third message to Lahner related to prior comments of Lahner - Granted.  
Fourth message addressed to both lawyer and non-lawyer - not primarily for legal advice - Denied.  
Fifth message - Granted.  
Sixth message is not a request for legal advice - Denied.

BOX\_NUM : 1  
FOLDERNO : 6

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BATES\_RANGE : MRK-ACC0052474-MRK-ACC0052476  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/08/02  
AUTHOR : Sperling, Rhoda  
RECIPIENT : Reicin, Alise S.; Lahner, Joanne\*  
DESCRIPTION : E-mail reflecting a request for legal advice and opinions from Lahner, Joanne\* regarding CV article issues.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART DENIED IN PART  
SM\_REC\_EXPL : Whole e-mail thread is not listed on the privilege log.  
First message not primarily for legal advice. Sent to many for review - Denied.  
Second message from Lahner does not reveal legal advice - Denied.  
Third message to Lahner related to prior comments of Lahner - Granted.  
Fourth message addressed to both lawyer and non-lawyer - not primarily for legal advice - Denied.  
Fifth message - Granted.  
Sixth message is not a request for legal advice - Denied.

BOX\_NUM : 1  
FOLDERNO : 6

Document 45 of 501

BATES\_RANGE : MRK-ACC0052519-MRK-ACC0052522  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/09/02  
AUTHOR : Sperling, Rhoda  
RECIPIENT : Reicin, Alise S.;incorporating email to Lahner, Joanne\*  
DESCRIPTION : E-mail reflecting a request for legal advice and opinions from Lahner, Joanne\* regarding CV article issues.  
W\_HELD\_REDAC : Entire document.

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SM\_REC : GRANTED IN PART DENIED IN PART  
SM\_REC\_EXPL : First message not primarily for legal advice. Sent to many for review - Denied.  
Second message from Lahner does not reveal legal advice - Denied.  
Third message to Lahner related to prior comments of Lahner - Granted.  
Fourth and Fifth messages reveal no request for advice or advice rendered by an attorney. Sixth and Seventh and messages not primarily legal advice or a request for legal advice - Denied.  
Eighth message does not give or reveal legal advice - Denied.

BOX\_NUM : 1  
FOLDERNO : 6

Document 46 of 501

BATES\_RANGE : MRK-ACC0054864-MRK-ACC0054866  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/07/02  
AUTHOR : Reicin, Alise S.  
RECIPIENT : Sperling, Rhoda; Lahner, Joanne\*  
DESCRIPTION : E-mail reflecting legal advice and opinions from Lahner, Joanne\* regarding CV article issues.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART DENIED IN PART  
SM\_REC\_EXPL : Whole e-mail thread is not listed on the privilege log. First message not primarily for legal advice.  
Sent to many for review - Denied.  
Second message from Lahner does not reveal legal advice - Denied.  
Third message to Lahner related to prior comments of Lahner - Granted.  
Fourth and Fifth messages - Granted.

BOX\_NUM : 1  
FOLDERNO : 6

Document 47 of 501

BATES\_RANGE : MRK-ACC0054940-MRK-ACC0054942  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/09/02  
AUTHOR : Reicin, Alise S.  
RECIPIENT : Sperling, Rhoda; Lahner, Joanne\*  
DESCRIPTION : E-mail reflecting legal advice and opinions from Lahner, Joanne\* regarding CV article issues.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART DENIED IN PART  
SM\_REC\_EXPL : First message not primarily for legal advice. Sent to many for review - Denied.  
Second message from Lahner does not reveal legal advice - Denied.  
Third message to Lahner related to prior comments of Lahner - Granted.  
Fourth and Fifth messages reveal no request for advice or advice rendered by an attorney. Sixth message not primarily legal advice or a request for legal advice - Denied. Seventh message sent to both lawyer and non-lawyer - not primarily for legal assistance.

BOX\_NUM : 1  
FOLDERNO : 6

Document 48 of 501

BATES\_RANGE : MRK-ACC0054990-MRK-ACC0054993  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/10/02  
AUTHOR : Reicin, Alise S.  
RECIPIENT : Sperling, Rhoda; incorporating email to Lahner, Joanne\*  
DESCRIPTION : E-mail reflecting a request for legal advice and opinions from Lahner, Joanne\* regarding CV article

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issues.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART DENIED IN PART  
SM\_REC\_EXPL : Whole e-mail thread is not listed on the privilege log.  
First message not primarily for legal advice. Sent to many for review - Denied.  
Second message from Lahner does not reveal legal advice given - Denied.  
Third message related prior advice of Lahner - Granted.  
Fourth message sent to lawyer and non-lawyer - not primarily for legal advice - Denied.  
Fifth message sent to lawyer and non-lawyer but content is addressed specifically to non-lawyer - not primarily for legal advice - Denied.  
Sixth, Seventh & Eighth messages sent to lawyer and non-lawyer - not primarily for legal advice - Denied.  
Ninth message seeks legal approval, but there is nothing confidential about this since everything has to get Legal's approval - Denied.  
Tenth message is neither seeking nor giving legal advice - Denied.

BOX\_NUM : 1  
FOLDERNO : 6

Document 49 of 501

BATES\_RANGE : MRK-ACC0054994-MRK-ACC0054997  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/10/02  
AUTHOR : Reicin, Alise S.  
RECIPIENT : Sperling, Rhoda;incorporating email to Lahner, Joanne\*  
DESCRIPTION : E-mail reflecting a request for legal advice and opinions from Lahner, Joanne\* regarding CV article issues.

W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART DENIED IN PART  
SM\_REC\_EXPL : Whole e-mail thread is not listed on the privilege log.  
First message not primarily for legal advice. Sent to many for review - Denied.  
Second message from Lahner does not reveal legal advice given - Denied.  
Third message related prior advice of Lahner - Granted.  
Fourth message sent to lawyer and non-lawyer - not primarily for legal advice - Denied.  
Fifth message sent to lawyer and non-lawyer but content is addressed specifically to non-lawyer - not primarily for legal advice - Denied.  
Sixth, Seventh & Eighth messages sent to lawyer and non-lawyer - not primarily for legal advice - Denied.  
Ninth message seeks legal approval, but there is nothing confidential about this since everything has to get Legal's approval - Denied.  
Tenth message is neither seeking nor giving legal advice - Denied.  
Eleventh message is not seeking legal assistance - Denied.  
Twelfth message is not seeking legal assistance - Denied.

BOX\_NUM : 1  
FOLDERNO : 6

Document 50 of 501

BATES\_RANGE : MRK-ACC0055194-MRK-ACC0055198  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/11/02  
AUTHOR : Hirsch, Laurence J.  
RECIPIENT : Sperling, Rhoda; Reicin, Alise S.;incorporating email to Lahner, Joanne\*  
DESCRIPTION : E-mail reflecting legal advice and opinions from Lahner, Joanne\* regarding CV article issues.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART DENIED IN PART  
SM\_REC\_EXPL : Whole e-mail thread is not listed on the privilege log.

First message not primarily for legal advice. Sent to many for review - Denied.  
Second message from Lahner does not reveal legal advice given - Denied.  
Third message related prior advice of Lahner - Granted.  
Fourth message sent to lawyer and non-lawyer - not primarily for legal advice - Denied.  
Fifth message sent to lawyer and non-lawyer but content is addressed specifically to non-lawyer - not primarily for legal advice - Denied.  
Sixth, Seventh & Eighth messages sent to lawyer and non-lawyer - not primarily for legal advice - Denied.  
Ninth message seeks legal approval, but there is nothing confidential about this since everything has to get Legal's approval - Denied.  
Tenth message does not relate legal advice from Lahner - Denied.  
Eleventh message does not reveal confidential information communicated to or by an attorney - Denied.  
Twelfth message is neither to nor from an attorney - not legal in nature - Denied.

BOX\_NUM : 1  
FOLDERNO : 6

Document 51 of 501

BATES\_RANGE : MRK-ACC0059548-MRK-ACC0059550  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/08/02  
AUTHOR : Sperling, Rhoda  
RECIPIENT : Reicin, Alise S.; incorporating email to Lahner, Joanne\*  
DESCRIPTION : E-mail reflecting a request for legal advice and opinions from Lahner, Joanne\* regarding CV article issues.

W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART DENIED IN PART  
SM\_REC\_EXPL : Whole e-mail thread is not listed on the privilege log.  
First message not primarily for legal advice. Sent to many for review - Denied.  
Second message from Lahner does not reveal legal advice - Denied.  
Third message to Lahner related to prior comments of Lahner - Granted.  
Fourth message addressed to both lawyer and non-lawyer - not primarily for legal advice - Denied.  
Fifth message - Granted.  
Sixth message is not a request for legal advice - Denied.

BOX\_NUM : 1  
FOLDERNO : 6

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BATES\_RANGE : MRK-ACC0059581-MRK-ACC0059583  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/08/02  
AUTHOR : Sperling, Rhoda  
RECIPIENT : Reicin, Alise S.; Lahner, Joanne\*  
DESCRIPTION : E-mail reflecting a request for legal advice and opinions from Lahner, Joanne\* regarding CV article issues.

W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART DENIED IN PART  
SM\_REC\_EXPL : Whole e-mail thread is not listed on the privilege log.  
First message not primarily for legal advice. Sent to many for review - Denied.  
Second message from Lahner does not reveal legal advice - Denied.  
Third message to Lahner related to prior comments of Lahner - Granted.  
Fourth message addressed to both lawyer and non-lawyer - not primarily for legal advice - Denied.  
Fifth message - Granted.  
Sixth message is not a request for legal advice - Denied.

BOX\_NUM : 1  
FOLDERNO : 6

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BATES\_RANGE : MRK-ACC0059625-MRK-ACC0059628  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/09/02  
AUTHOR : Sperling, Rhoda  
RECIPIENT : Reicin, Alise S.; incorporating email to Lahner, Joanne\*  
DESCRIPTION : E-mail reflecting a request for legal advice from Lahner, Joanne\* regarding CV article issues.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART DENIED IN PART  
SM\_REC\_EXPL : First message not primarily for legal advice. Sent to many for review - Denied.  
Second message from Lahner does not reveal legal advice - Denied.  
Third message to Lahner related to prior comments of Lahner - Granted.  
Fourth and Fifth messages reveal no request for advice or advice rendered by an attorney. Sixth and Seventh and messages not primarily legal advice or a request for legal advice - Denied.  
Eighth message does not give or reveal legal advice - Denied.

BOX\_NUM : 1  
FOLDERNO : 6

Document 54 of 501

BATES\_RANGE : MRK-ACC0059629-MRK-ACC0059632  
ATTACHMENTS : Attaching MRK-ACC0059633-MRK-ACC0059666  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/09/02  
AUTHOR : Sperling, Rhoda  
RECIPIENT : Reicin, Alise S.; Lahner, Joanne\*  
DESCRIPTION : E-mail reflecting a request for legal advice and opinions from Lahner, Joanne\* regarding CV article issues.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART DENIED IN PART  
SM\_REC\_EXPL : Whole e-mail thread is not listed on the privilege log.  
First message not primarily for legal advice. Sent to many for review - Denied.  
Second message from Lahner does not reveal legal advice - Denied.  
Third message to Lahner related to prior comments of Lahner - Granted.  
Fourth message sent to lawyer and non-lawyer - not primarily legal in purpose. Fifth message sent to both lawyer & non-lawyer but specifically addressed to the non-lawyer - not legal in purpose - Denied.  
Sixth, Seventh, and Eighth messages sent to lawyer and non-lawyer - not primarily for legal advice - Denied.

BOX\_NUM : 1  
FOLDERNO : 6

Document 55 of 501

BATES\_RANGE : MRK-ACC0059633-MRK-ACC0059666  
ATTACHMENTS : Attached to MRK-ACC0059629-MRK-ACC0059632  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/09/02  
AUTHOR : Sperling, Rhoda  
RECIPIENT : Reicin, Alise S.; Lahner, Joanne\*  
DESCRIPTION : Manuscript reflecting a request for legal advice and opinions.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART DENIED IN PART  
SM\_REC\_EXPL : Attachment to a mixed purpose communication is not privileged but Merck can redact the comment of the lawyer affixed to it.

BOX\_NUM : 1  
FOLDERNO : 6

Document 56 of 501

BATES\_RANGE : MRK-ACC0059705-MRK-ACC0059708  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/10/02  
AUTHOR : Sperling, Rhoda  
RECIPIENT : Reicin, Alise S.;incorporating email to Lahner, Joanne\*  
DESCRIPTION : E-mail reflecting a request for legal advice and opinions from Lahner, Joanne\* regarding CV article issues.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART DENIED IN PART  
SM\_REC\_EXPL : Whole e-mail thread is not listed on the privilege log.  
First message not primarily for legal advice. Sent to many for review - Denied.  
Second message from Lahner does not reveal legal advice given - Denied.  
Third message related prior advice of Lahner - Granted.  
Fourth message sent to lawyer and non-lawyer - not primarily for legal advice - Denied.  
Fifth message sent to lawyer and non-lawyer but content is addressed specifically to non-lawyer - not primarily for legal advice - Denied.  
Sixth, Seventh & Eighth messages sent to lawyer and non-lawyer - not primarily for legal advice - Denied.  
Ninth message seeks legal approval, but there is nothing confidential about this since everything has to get Legal's approval - Denied.  
Tenth message is neither seeking nor giving legal advice - Denied.  
Eleventh message is not seeking legal assistance - Denied.  
BOX\_NUM : 1  
FOLDERNO : 6

Document 57 of 501

BATES\_RANGE : MRK-ACF0003294-MRK-ACF0003294  
PRIV\_CLAIM : Attorney-Client Privilege and Work Product  
DATE : 12/06/01  
AUTHOR : Kirk, Christine M.  
RECIPIENT : Barr, Eliav  
DESCRIPTION : E-mail reflecting a request for information necessary to provide legal advice and opinions regarding litigation issues and preparatory measures taken in anticipation of litigation.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 1  
FOLDERNO : 6

Document 58 of 501

BATES\_RANGE : MRK-ACZ0048535-MRK-ACZ0048535  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 05/26/00  
AUTHOR : Ruffin, Sandra  
RECIPIENT : Bell, Gregory; Daniels, Brian F.; Morrison, Briggs W.; Mortensen, Eric R.; Ehrich, Elliot W. cc: Coppola, Linda G.; Baumgartner, Susan L.; Shah, Rashmi J.; Hall, Daniel L.  
DESCRIPTION : E-mail reflecting legal advice and opinions regarding promotional materials to be shown at cardiovascular and renal national teleconference.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : GRANTED  
SM\_REC\_EXPL : Granted as redacted.  
BOX\_NUM : 1  
FOLDERNO : 6

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BATES\_RANGE : MRK-ADA0073300-MRK-ADA0073300

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PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 02/28/01  
AUTHOR : Black, Debra A.  
RECIPIENT : Rosati, Jamie; Bourdow, Carrie L.; McCafferty, Julie; Donlan, Brian; Zenobi, Peter; Kaplan, Steffany cc: Morrison, Peg A.  
DESCRIPTION : E-mail reflecting legal advice and opinions from Lahner, Joanne\* regarding promotional use of Vigor results.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 1  
FOLDERNO : 6

Document 60 of 501

BATES\_RANGE : MRK-ADI0009049-MRK-ADI0009050  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 05/17/01  
AUTHOR : Fanelle, Christine incorporating an email from Curtis, Sean P. to Lahner, Joanne\*; Dixon, Wendy L.; Vignau, Steven; cc: Lewis, Suzanne Gregory\*, Jordan, Laura; Fanelle, Christine; Melian, Augustin; Morrison, Briggs as well as an email from Lahner, Joanne\*  
RECIPIENT : Weiner, Jan D.; Ogden, Tracy C.  
DESCRIPTION : E-mail reflecting legal advice and opinions regarding study and data issues.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : GRANTED IN PART; DENIED IN PART  
SM\_REC\_EXPL : First message from Lahner - Granted.  
Second message from Curtis - Denied because not primarily intended to solicit legal advice.  
BOX\_NUM : 1  
FOLDERNO : 6

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BATES\_RANGE : MRK-AEJ0004010-MRK-AEJ0004035  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 03/02/02  
AUTHOR : Grosser, Karen  
RECIPIENT : Wollenberg, Gordon Kurt; Nicoll-Griffith, Debbie; Plump, Andrew S.; Schwartz, Jules I.; Reicin, Alise S.; Kwong, Elizabeth; Zamboni, Robert; Vailaya, Anant; Sturino, Claudio; Bateman, Kevin; plus others on the distribution list  
DESCRIPTION : Draft NO-Rofecoxib Overview report reflecting legal advice and opinions regarding NO-Rofecoxib compound patent application.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : GRANTED  
SM\_REC\_EXPL : Granted as redacted.  
BOX\_NUM : 1  
FOLDERNO : 6

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BATES\_RANGE : MRK-AFI0142661-MRK-AFI0142662  
ATTACHMENTS : Attaching MRK-AFI0142663-MRK-AFI0142689  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 03/28/01  
AUTHOR : Mortensen, Eric R.  
RECIPIENT : Williams, Mark M. cc: Payne, Susan M.; Simon, Thomas J.; Baumgartner, Susan L.; Morrison, Briggs W.  
DESCRIPTION : E-mail reflecting Lahner, Joanne's\* legal advice and opinions regarding promotional issues pertaining to draft Miami presentation.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : GRANTED  
SM\_REC\_EXPL : AS REDACTED

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BOX\_NUM : 1  
FOLDERNO : 5

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BATES\_RANGE : MRK-AFI0142663-MRK-AFI0142689  
ATTACHMENTS : Attached to MRK-AFI0142661-MRK-AFI0142662  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 03/28/01  
AUTHOR : Mortensen, Eric R.  
RECIPIENT : Williams, Mark M. cc: Payne, Susan M.; Simon, Thomas J.; Baumgartner, Susan L.; Morrison, Briggs W.  
DESCRIPTION : Presentation reflecting incorporating legal advice and opinions from Lahner, Joanne\* regarding promotional issues regarding experts meeting slide show.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED  
SM\_REC\_EXPL : Legal advice of Lahner not explicitly disclosed.  
BOX\_NUM : 1  
FOLDERNO : 6

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BATES\_RANGE : MRK-AFJ0015505-MRK-AFJ0015525  
PRIV\_CLAIM : Attorney-Client Privilege and Work Product  
DATE : Undated  
AUTHOR : Kim, Peter  
RECIPIENT : Not Available  
DESCRIPTION : Report reflecting legal advice and opinions regarding Merck's actions concerning Vioxx.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 1  
FOLDERNO : 6

Document 65 of 501

BATES\_RANGE : MRK-AFO0141653-MRK-AFO0141655  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 03/04/02  
AUTHOR : Morrison, Briggs W., incorporating e-mail from Grosser, Karen to Lahner, Joanne\*; Reicin, Alise S.; Gertz, Barry J.  
RECIPIENT : Grosser, Karen  
DESCRIPTION : E-mail reflecting a request for legal advice and opinions regarding clinical study designs for VIOXX.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : DENIED  
SM\_REC\_EXPL : Sent to both lawyers and non-lawyers for comment. Not primarily concerned with obtaining legal advice.  
BOX\_NUM : 1  
FOLDERNO : 6

Document 66 of 501

BATES\_RANGE : MRK-AHO0042358-MRK-AHO0042378  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : Undated  
AUTHOR : Shapiro, Deborah; Barr, Eliav; Yu, Qinfen; Reicin, Alise S; Sperling, Rhoda S  
RECIPIENT : Melin, Jeffrey  
DESCRIPTION : Draft report reflecting a request for legal advice and opinions from Lahner, Joanne\* regarding CV events in patients taking a rofecoxib.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : GRANTED  
SM\_REC\_EXPL : As redacted.

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BOX\_NUM : 1  
FOLDERNO : 6

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BATES\_RANGE : MRK-AHO0084382-MRK-AHO0084406  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : Undated  
AUTHOR : Reicin, Alise S.; Shapiro, Deborah; Sperling, Rhonda S.; Barr, Eliav; Yu, Qinfen  
RECIPIENT : Melin, Jeffrey  
DESCRIPTION : Draft report reflecting a request for legal advice and opinions from Lahner, Joanne\* regarding study.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : GRANTED  
SM\_REC\_EXPL : AS REDACTED  
BOX\_NUM : 1  
FOLDERNO : 6

Document 68 of 501

BATES\_RANGE : MRK-AHY0011049-MRK-AHY0011049  
ATTACHMENTS : Attaching MRK-AHY0011050-MRK-AHY0011050 Attaching MRK-AHY0011051-MRK-AHY0011051 Attaching MRK-AHY0011052-MRK-AHY0011056  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/12/00  
AUTHOR : Marino, Dominick  
RECIPIENT : Kong, Sheldon X. cc: Bonaccorso, Silvia N.; Haim-Nemerson, Muriel; Williams, George W.; Nies, Alan S.; Lahner, Joanne\*  
DESCRIPTION : Internal form reflecting legal advice and opinions of Lahner, Joanne\* regarding review of manuscript.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED  
SM\_REC\_EXPL : Sent to many, including a lawyer. Not primarily for legal assistance.  
BOX\_NUM : 1  
FOLDERNO : 6

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BATES\_RANGE : MRK-AHY0011050-MRK-AHY0011050  
ATTACHMENTS : Attached to MRK-AHY0011049-MRK-AHY0011049  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 4/12/2000  
AUTHOR : Marino, Dominick  
RECIPIENT : Kong, Sheldon X. cc: Bonaccorso, Silvia N.; Haim-Nemerson, Muriel; Williams, George W.; Nies, Alan S.; Lahner, Joanne\*  
DESCRIPTION : Internal form reflecting legal advice and opinions regarding review of manuscript.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED  
SM\_REC\_EXPL : Sent to many, including a lawyer. Not primarily for legal assistance.  
BOX\_NUM : 1  
FOLDERNO : 6

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BATES\_RANGE : MRK-AHY0011051-MRK-AHY0011051  
ATTACHMENTS : Attached to MRK-AHY0011049-MRK-AHY0011049  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 4/12/2000  
AUTHOR : Marino, Dominick  
RECIPIENT : Kong, Sheldon X. cc: Bonaccorso, Silvia N.; Haim-Nemerson, Muriel; Williams, George W.; Nies, Alan S.; Lahner, Joanne\*  
DESCRIPTION : Internal form reflecting legal advice and opinions regarding the effect of rofecoxib on patient with

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osteoarthritis.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED  
SM\_REC\_EXPL : Sent to many, including a lawyer. Not primarily for legal assistance.  
BOX\_NUM : 1  
FOLDERNO : 6

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BATES\_RANGE : MRK-AHY0011052-MRK-AHY0011056  
ATTACHMENTS : Attached to MRK-AHY0011049-MRK-AHY0011049  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/12/00  
AUTHOR : Marino, Dominick  
RECIPIENT : Panzer, Curtis C.\*; Lahner, Joanne\*; McNamara, Maureen P.; Nies, Alan S.; Oppenheimer, Leonard; Pearson, Jay D.; Reicin, Alise S.; Strauss, Walter L.; Williams, George W. cc: Billups, Richard C.\*; Rozdilsky, Walter; Gertz, Barry Joes; Sperling, Rhoda S.; Simon, Thomas J.; plus others from distribution list  
DESCRIPTION : Internal manuscript reflecting legal advice and opinions Lahner, Joanne\* regarding manuscript review.

W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART; DENIED IN PART  
SM\_REC\_EXPL : Sent to many, including a lawyer. Not primarily for legal assistance - Denied. Attachment - Denied. Handwritten comments of lawyer - Granted.  
BOX\_NUM : 1  
FOLDERNO : 6

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BATES\_RANGE : MRK-AIP0021052-MRK-AIP0021080  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 01/01/02  
AUTHOR : Gertz, Barry J.; Krupa, David; Bolognese, James; Sperling, Rhoda; Reicin, Alise  
RECIPIENT : Lamond, Lisa  
DESCRIPTION : Draft Journal article reflecting legal advice and opinions from Lahner, Joanne\* regarding Edema and hypertension.

W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : GRANTED  
SM\_REC\_EXPL : Granted as redacted.

BOX\_NUM : 1  
FOLDERNO : 6

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BATES\_RANGE : MRK-AKU0003274-MRK-AKU0003274  
ATTACHMENTS : Attaching MRK-AKU0003275-MRK-AKU0003316 Attaching MRK-AKU0003317-MRK-AKU0003358  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 07/27/01  
AUTHOR : Reicin, Alise S.; incorporating an e-mail from Lahner, Joanne\*  
RECIPIENT : Lahner, Joanne\*  
DESCRIPTION : E-mail reflecting a request for information in order to render legal advice and opinions regarding presentation slides for Cardiovascular Advisory Board meeting.

W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 1  
FOLDERNO : 6

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BATES\_RANGE : MRK-AKU0003275-MRK-AKU0003316  
ATTACHMENTS : Attached to MRK-AKU0003274-MRK-AKU0003274  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 07/27/01  
AUTHOR : Reicin, Alise S.; incorporating an e-mail from Lahner, Joanne\*  
RECIPIENT : Lahner, Joanne\*  
DESCRIPTION : Presentation slides reflecting legal advice and opinions regarding VIGOR study.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 1  
FOLDERNO : 6

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BATES\_RANGE : MRK-AKU0003317-MRK-AKU0003358  
ATTACHMENTS : Attached to MRK-AKU0003274-MRK-AKU0003274  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 07/27/01  
AUTHOR : Reicin, Alise S.; incorporating an e-mail from Lahner, Joanne\*  
RECIPIENT : Lahner, Joanne\*  
DESCRIPTION : Presentation slides reflecting legal advice and opinions regarding GI safety of Cox-2 inhibitors.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 1  
FOLDERNO : 6

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BATES\_RANGE : MRK-AKU0015938-MRK-AKU0015938  
ATTACHMENTS : Attaching MRK-AKU0015939-MRK-AKU0015945 Attaching MRK-AKU0015946-MRK-AKU0015976  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 02/18/02  
AUTHOR : Reicin, Alise S.  
RECIPIENT : Lahner, Joanne\*; Sperling, Rhoda; Krupa, David A.; Bourdow, Carrie L.  
DESCRIPTION : E-mail reflecting a request for legal advice and opinions regarding edema-hypertension manuscript for Current Medical Research and Opinion journal.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART DENIED IN PART  
SM\_REC\_EXPL : Whole e-mail thread not listed on privilege log. First message - Denied. Not primarily for legal assistance. Sent to many for comment. Second message - Granted.  
BOX\_NUM : 1  
FOLDERNO : 6

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BATES\_RANGE : MRK-AKU0015939-MRK-AKU0015945  
ATTACHMENTS : Attached to MRK-AKU0015938-MRK-AKU0015938  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 02/18/02  
AUTHOR : Reicin, Alise S.  
RECIPIENT : Lahner, Joanne\*; Sperling, Rhoda; Krupa, David A.; Bourdow, Carrie L.  
DESCRIPTION : Draft manuscript reflecting a request for legal advice and opinions regarding a study on edema and hypertension.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART DENIED IN PART  
SM\_REC\_EXPL : Attachment to a mixed purpose communication is not privileged, but any comments by lawyer

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appearing in the document may be redacted.  
BOX\_NUM : 1  
FOLDERNO : 6

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BATES\_RANGE : MRK-AKU0015946-MRK-AKU0015976  
ATTACHMENTS : Attached to MRK-AKU0015938-MRK-AKU0015938  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 2/18/2002  
AUTHOR : Reicin, Alise S.  
RECIPIENT : Lahner, Joanne\*; Sperling, Rhoda; Krupa, David A.; Bourdow, Carrie L.  
DESCRIPTION : Draft manuscript reflecting a request for legal advice and opinions regarding a study comparing osteoarthritis patients treated with rofecoxib and NSAIDs.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART DENIED IN PART  
SM\_REC\_EXPL : Attachment to a mixed purpose communication is not privileged, but any comments by lawyer appearing in the document may be redacted.  
BOX\_NUM : 1  
FOLDERNO : 6

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BATES\_RANGE : MRK-AKU0018810-MRK-AKU0018811  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 03/19/02  
AUTHOR : Altmeyer, Anne  
RECIPIENT : Reicin, Alise S.; Lahner, Joanne\* cc: Stinson, Diane L.; Grosser, Karen; DiBattiste, Peter M.  
DESCRIPTION : E-mail reflecting a request for legal advice and opinions regarding VIOXX CV outcomes study.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : GRANTED IN PART DENIED IN PART  
SM\_REC\_EXPL : First redacted message sent to many - not primarily legal in purpose.  
Second redacted message - Granted.  
BOX\_NUM : 1  
FOLDERNO : 6

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BATES\_RANGE : MRK-AKU0019406-MRK-AKU0019407  
ATTACHMENTS : Attaching MRK-AKU0019408-MRK-AKU0019445 Attaching MRK-AKU0019446-MRK-AKU0019484  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 03/26/02  
AUTHOR : Sperling, Rhoda  
RECIPIENT : Lahner, Joanne\* cc: Reicin, Alise S.  
DESCRIPTION : E-mail reflecting a request for legal advice and opinions regarding draft CV effects and selective COX-2 inhibition manuscript.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART DENIED IN PART  
SM\_REC\_EXPL : Whole e-mail thread is not listed on the privilege log.  
First message not primarily for legal advice. Sent to many for review - Denied.  
Second message from Lahner does not reveal legal advice given - Denied.  
Third message related prior advice of Lahner - Granted.  
BOX\_NUM : 1  
FOLDERNO : 6

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BATES\_RANGE : MRK-AKU0019408-MRK-AKU0019445  
ATTACHMENTS : Attached to MRK-AKU0019406-MRK-AKU0019407  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 03/26/02

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AUTHOR : Sperling, Rhoda  
RECIPIENT : Lahner, Joanne\* cc: Reicin, Alise S.  
DESCRIPTION : Disclosure form reflecting a request for legal advice and opinions regarding CV effects and selective COX-2 inhibition.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART DENIED IN PART  
SM\_REC\_EXPL : The attachment to a mixed purpose communication is not privileged, but Merck can redact the comments of the lawyer on the attachment before producing it.

BOX\_NUM : 1  
FOLDERNO : 6

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BATES\_RANGE : MRK-AKU0019446-MRK-AKU0019484  
ATTACHMENTS : Attached to MRK-AKU0019406-MRK-AKU0019407  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 03/26/02  
AUTHOR : Sperling, Rhoda  
RECIPIENT : Lahner, Joanne\* cc: Reicin, Alise S.  
DESCRIPTION : Draft manuscript reflecting a request for legal advice and opinions regarding cardiovascular effects and COX-2 inhibition.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART DENIED IN PART  
SM\_REC\_EXPL : The attachment to a mixed purpose communication is not privileged, but Merck can redact the comments of the lawyer on the attachment before producing it.

BOX\_NUM : 1  
FOLDERNO : 6

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BATES\_RANGE : MRK-AKU0020547-MRK-AKU0020549  
ATTACHMENTS : Attaching MRK-AKU0020550-MRK-AKU0020587 Attaching MRK-AKU0020588-MRK-AKU0020626  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/04/02  
AUTHOR : Sperling, Rhoda  
RECIPIENT : Lahner, Joanne\*; Reicin, Alise S.  
DESCRIPTION : E-mail reflecting a request for legal advice and opinions regarding CV review article.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART DENIED IN PART  
SM\_REC\_EXPL : Whole e-mail thread has not been listed on the privilege log. First message not primarily for legal advice. Sent to many to review - Denied.  
Second message doesn't reveal legal advice - Denied.  
Third message discloses comments of Lahner - Granted.  
Fourth message is sent to a lawyer and non-lawyer. Not primarily for legal assistance - Denied.

BOX\_NUM : 1  
FOLDERNO : 6

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BATES\_RANGE : MRK-AKU0020550-MRK-AKU0020587  
ATTACHMENTS : Attached to MRK-AKU0020547-MRK-AKU0020549  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/04/02  
AUTHOR : Sperling, Rhoda  
RECIPIENT : Lahner, Joanne\*; Reicin, Alise S.  
DESCRIPTION : Author Disclosure Form reflecting a request for legal advice and opinions regarding CV review article.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART DENIED IN PART

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SM\_REC\_EXPL : Attachment to a mixed purpose communication is not privileged, but the attached comments of a lawyer may be redacted before production.  
BOX\_NUM : 1  
FOLDERNO : 6

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BATES\_RANGE : MRK-AKU0020588-MRK-AKU0020626  
ATTACHMENTS : Attached to MRK-AKU0020547-MRK-AKU0020549  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/04/02  
AUTHOR : Sperling, Rhoda  
RECIPIENT : Lahner, Joanne\*; Reicin, Alise S.  
DESCRIPTION : Draft manuscript reflecting a request for legal advice and opinions regarding a review of the Rofecoxib development program.

W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART DENIED IN PART  
SM\_REC\_EXPL : Attachment to a mixed purpose communication is not privileged but the attached comments of a lawyer may be redacted before production.  
BOX\_NUM : 1  
FOLDERNO : 6

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BATES\_RANGE : MRK-AKU0020774-MRK-AKU0020776  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/07/02  
AUTHOR : Reicin, Alise S.  
RECIPIENT : Lahner, Joanne\*; Sperling, Rhoda  
DESCRIPTION : E-mail reflecting a request for legal advice and opinions regarding CV review article.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART DENIED IN PART  
SM\_REC\_EXPL : Whole e-mail thread is not listed on the privilege log. First message not primarily for legal advice. Sent to many for review. Second message from Lahner does not reveal legal advice - Denied. Third message to Lahner related to prior comments of Lahner - Granted. Fourth message is to both lawyer and non-lawyer - not primarily for legal advice - Denied. Fifth message by an attorney - Granted.

BOX\_NUM : 1  
FOLDERNO : 6

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BATES\_RANGE : MRK-AKU0020791-MRK-AKU0020793  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/08/02  
AUTHOR : Sperling, Rhoda  
RECIPIENT : Lahner, Joanne\*; Reicin, Alise S.  
DESCRIPTION : E-mail reflecting a request for legal advice and opinions regarding CV review article.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART DENIED IN PART  
SM\_REC\_EXPL : Whole e-mail thread is not listed on the privilege log. First message not primarily for legal advice. Sent to many for review - Denied. Second message from Lahner does not reveal legal advice - Denied. Third message to Lahner related to prior comments of Lahner - Granted. Fourth message addressed to both lawyer and non-lawyer - not primarily for legal advice - Denied. Fifth message - Granted. Sixth message is not a request for legal advice - Denied.

BOX\_NUM : 1  
FOLDERNO : 6

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BATES\_RANGE : MRK-AKU0021057-MRK-AKU0021060  
ATTACHMENTS : Attaching MRK-AKU0021061-MRK-AKU0021094  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/10/02  
AUTHOR : Sperling, Rhoda  
RECIPIENT : Lahner, Joanne\* cc: Reicin, Alise S.; Thompson, Caroline J.  
DESCRIPTION : E-mail reflecting a request for legal advice and opinions regarding draft CV article.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART; DENIED IN PART  
SM\_REC\_EXPL : Whole e-mail thread is not listed on the privilege log.  
First message not primarily for legal advice. Sent to many for review - Denied.  
Second message from Lahner does not reveal legal advice - Denied.  
Third message to Lahner related to prior comments of Lahner - Denied.  
Fourth message sent to both lawyer and non-lawyer. Not primarily for legal advice - Denied.  
Fifth message sent to both lawyer and non-lawyer and reveals no request for advice or advice rendered by an attorney. Content is specifically addressed to non-lawyer - not primarily for legal advice - Denied.  
Sixth, Seventh and Eighth messages not primarily legal advice or a request for legal advice - Denied.  
Ninth Message - Granted.

BOX\_NUM : 1  
FOLDERNO : 6

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BATES\_RANGE : MRK-AKU0021061-MRK-AKU0021094  
ATTACHMENTS : Attached to MRK-AKU0021057-MRK-AKU0021060  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/10/02  
AUTHOR : Sperling, Rhoda  
RECIPIENT : Lahner, Joanne\* cc: Reicin, Alise S.; Thompson, Caroline J.  
DESCRIPTION : Draft abstract reflecting a request for legal advice and opinions regarding review of rofecoxib development program.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED  
SM\_REC\_EXPL : Attachment to a mixed purpose communication is not privileged.  
BOX\_NUM : 1  
FOLDERNO : 6

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BATES\_RANGE : MRK-AKU0031296-MRK-AKU0031296  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 03/19/02  
AUTHOR : Lahner, Joanne\*  
RECIPIENT : Reicin, Alise S.  
DESCRIPTION : E-mail reflecting legal advice and opinions regarding VIGOR data presentation.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED IN PART; GRANTED IN PART  
SM\_REC\_EXPL : GRANTED-Sentence beginning with ""We are planning...", and "It would be great ....".  
DENIED-Remainder. Scheduled meeting is not privileged information about the attorney-client relationship.

BOX\_NUM : 1  
FOLDERNO : 4

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BATES\_RANGE : MRK-AKU0051658-MRK-AKU0051660  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 11/01/00  
AUTHOR : Lahner, Joanne\*  
RECIPIENT : Morrison, Briggs W.  
DESCRIPTION : Draft Presentation with handwritten attorney edits reflecting legal advice and opinions regarding The Future Outlook For Coxibs.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 1  
FOLDERNO : 6

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BATES\_RANGE : MRK-AKU0055137-MRK-AKU0055137  
ATTACHMENTS : Attaching MRK-AKU0055138-MRK-AKU0055162  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 05/19/00  
AUTHOR : Lahner, Joanne\*  
RECIPIENT : Reicin, Alise S. cc: Berwick, Gerry Joy\*  
DESCRIPTION : Printed e-mail reflecting legal advice and opinions regarding draft presentation slides for VIGOR study.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 1  
FOLDERNO : 6

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BATES\_RANGE : MRK-AKU0055138-MRK-AKU0055162  
ATTACHMENTS : Attached to MRK-AKU0055137-MRK-AKU0055137  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 05/19/00  
AUTHOR : Lahner, Joanne\*  
RECIPIENT : Reicin, Alise S. cc: Berwick, Gerry Joy\*  
DESCRIPTION : Draft slides reflecting legal advice and opinions regarding VIGOR study data.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 1  
FOLDERNO : 6

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BATES\_RANGE : MRK-AKU0079843-MRK-AKU0079844  
ATTACHMENTS : Attaching MRK-AKU0079845-MRK-AKU0079846  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 10/31/01  
AUTHOR : Reicin, Alise S.  
RECIPIENT : Lahner, Joanne\*  
DESCRIPTION : Facsimile cover sheet reflecting a request for legal advice and opinions regarding Cardiovascular Safety of Cox-2 Inhibitors reflecting a request for legal advice and opinions.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 1  
FOLDERNO : 6

Document 95 of 501

BATES\_RANGE : MRK-AKU0079845-MRK-AKU0079846

Special Master Recommended Ruling - PSC "600"

ATTACHMENTS : Attached to MRK-AKU0079843-MRK-AKU0079844  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 10/31/01  
AUTHOR : Reicin, Alise S.  
RECIPIENT : Lahner, Joanne\*  
DESCRIPTION : Draft news article reflecting a request for legal advice and opinions regarding publication of an article concerning CV safety of Cox-2 inhibitors at the Medical Letter.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 1  
FOLDERNO : 6

Document 96 of 501

BATES\_RANGE : MRK-AKU0079847-MRK-AKU0079868  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 01/01/01  
AUTHOR : Lahner, Joanne\*  
RECIPIENT : Reicin, Alise  
DESCRIPTION : Draft scientific paper with handwritten notation and edits by Lahner, Joanne\* and Mayer, Ted\* reflecting legal advice and opinions regarding CV thrombotic events in the controlled clinical trials of Rofecoxib.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 1  
FOLDERNO : 6

Document 97 of 501

BATES\_RANGE : MRK-ARF0113840-MRK-ARF0113840  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 05/31/01  
AUTHOR : El-Dada, Riad H.  
RECIPIENT : Gertz, Barry J.; Sperling, Rhoda; Reicin, Alise S. cc: Roberts, Rick M.  
DESCRIPTION : E-mail reflecting legal advice and opinions of Lahner, Joanne\* regarding CV manuscript.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : GRANTED AS REDACTED  
BOX\_NUM : 1  
FOLDERNO : 4

Document 98 of 501

BATES\_RANGE : MRK-ASR0006898-MRK-ASR0006898  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 03/15/01  
AUTHOR : Thompson, Caroline  
RECIPIENT : Panzer, Curtis C.\*; Lahner, Joanne\*; Altmeyer, Anne; Malmstrom, Kerstin; Morrison, Briggs W.; Simon, Thomas Jaycc; Margolskee, Dorothy J.; Yates, John; Cnnuscio, Carolyn C.; Gertz, Barry Joel; Sperling, Rhoda S.; plus others from distribution list  
DESCRIPTION : Draft manuscript reflecting legal advice and opinions regarding a study comparing rofecoxib and acetaminophen.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART; DENIED IN PART  
SM\_REC\_EXPL : Sent to many for approval. Not primarily for legal advice - DENIED. Handwritten responses of Lahner - GRANTED.  
BOX\_NUM : 1  
FOLDERNO : 4

Document 99 of 501

BATES\_RANGE : MRK-AAB0078260-MRK-AAB0078262

Special Master Recommended Ruling - PSC "600"

PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 03/07/02  
AUTHOR : Reicin, Alise S.  
RECIPIENT : Braunstein, Ned S.; Shapiro, Deborah R.; Truitt, Ken E.; Connors, Laurine G.; Silverman, Robert E.  
DESCRIPTION : E-mail reflecting legal advice and opinions of Lahner, Joanne\* regarding Vioxx CIB.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : DENIED  
SM\_REC\_EXPL : Single redaction does not reveal legal advice.  
BOX\_NUM : 2  
FOLDERNO : 6

Document 100 of 501

BATES\_RANGE : MRK-AAB0078263-MRK-AAB0078264  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 03/07/02  
AUTHOR : Reicin, Alise S.  
RECIPIENT : Braunstein, Ned S.; Truitt, Ken E.; Connors, Laurine G.; Silverman, Robert E. cc: Shapiro, Deborah R.  
DESCRIPTION : E-mail reflecting legal advice and opinions of Lahner, Joanne\* regarding Vioxx CIB.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : DENIED  
SM\_REC\_EXPL : Single redaction does not reveal legal advice.  
BOX\_NUM : 2  
FOLDERNO : 6

Document 101 of 501

BATES\_RANGE : MRK-AAB0078269-MRK-AAB0078271  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 03/07/02  
AUTHOR : Shapiro, Deborah R.  
RECIPIENT : Braunstein, Ned S.; Truitt, Ken E.; Connors, Laurine G.; Silverman, Robert E. cc: Reicin, Alise S.  
DESCRIPTION : E-mail reflecting legal advice and opinions of Lahner, Joanne\* regarding Vioxx CIB.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : DENIED  
SM\_REC\_EXPL : Redaction reveals that a decision was made with Regulatory and Lahner. Her legal advice is not disclosed.  
BOX\_NUM : 2  
FOLDERNO : 6

Document 102 of 501

BATES\_RANGE : MRK-AAC0071509-MRK-AAC0071509  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 11/21/01  
AUTHOR : DiBattiste, Peter M.  
RECIPIENT : Gertz, Barry J.; Reicin, Alise S.; Demopoulos, Laura A.; Henshall, Ronald S.\*  
DESCRIPTION : E-mail reflecting client confidences and a request for legal advice and opinions regarding draft presentation and draft memo re: CV outcomes and Vioxx.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED  
SM\_REC\_EXPL : Sent to many for comment. Message and attachment not primarily for legal advice or assistance. While the content of message specifically addresses the lawyer, it simply confirms that legal advice was being sought from Henshall, while non-legal assistance was being sought from several others. Therefore, the primary purpose for the communication was not legal advice. It was mixed.  
BOX\_NUM : 2  
FOLDERNO : 6

Special Master Recommended Ruling - PSC "600"

Document 103 of 501

BATES\_RANGE : MRK-AAD0085289-MRK-AAD0085289  
ATTACHMENTS : Attaching MRK-AAD0085290-MRK-AAD0085303  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 10/18/01  
AUTHOR : Reicin, Alise S.  
RECIPIENT : Lahner, Joanne\*  
DESCRIPTION : E-mail requesting legal advice and opinions regarding draft presentation to DDMAC concerning Vioxx study data.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 2  
FOLDERNO : 7

Document 104 of 501

BATES\_RANGE : MRK-AAD0085290-MRK-AAD0085303  
ATTACHMENTS : Attached to MRK-AAD0085289-MRK-AAD0085289  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 10/18/01  
AUTHOR : Reicin, Alise S.  
RECIPIENT : Lahner, Joanne\*  
DESCRIPTION : Draft presentation reflecting a request for legal advice and opinions regarding presentation to DDMAC concerning Vioxx study data.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 2  
FOLDERNO : 7

Document 105 of 501

BATES\_RANGE : MRK-AAD0085308-MRK-AAD0085308  
ATTACHMENTS : Attaching MRK-AAD0085309-MRK-AAD0085325  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 10/21/01  
AUTHOR : Reicin, Alise S.  
RECIPIENT : Lahner, Joanne\*  
DESCRIPTION : E-mail requesting legal advice and opinions regarding draft presentation to DDMAC concerning viox study data.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 2  
FOLDERNO : 7

Document 106 of 501

BATES\_RANGE : MRK-AAD0085309-MRK-AAD0085325  
ATTACHMENTS : Attached to MRK-AAD0085308-MRK-AAD0085308  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 10/21/01  
AUTHOR : Reicin, Alise S.  
RECIPIENT : Lahner, Joanne\*  
DESCRIPTION : Draft presentation reflecting a request for legal advice and opinions regarding presentation to DDMAC concerning Vioxx study data.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 2  
FOLDERNO : 7

Special Master Recommended Ruling - PSC "600"

Document 107 of 501

BATES\_RANGE : MRK-AAD0086640-MRK-AAD0086641  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 11/02/01  
AUTHOR : Reicin, Alise S., incorporating email to Lahner, Joanne\*.  
RECIPIENT : DeGennaro, Pamela R.  
DESCRIPTION : E-mail reflecting client confidences and requesting legal advice and opinions regarding draft medical letter responding to Konstam article.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : GRANTED  
SM\_REC\_EXPL : Granted as redacted.  
BOX\_NUM : 2  
FOLDERNO : 6

Document 108 of 501

BATES\_RANGE : MRK-AAD0086652-MRK-AAD0086654  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 11/02/01  
AUTHOR : Reicin, Alise S., incorporating email to Lahner, Joanne\*.  
RECIPIENT : DeGennaro, Pamela R.  
DESCRIPTION : E-mail reflecting client confidences and requesting legal advice and opinions regarding draft medical letter responding to Konstam article.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : GRANTED  
SM\_REC\_EXPL : Granted as redacted.  
BOX\_NUM : 2  
FOLDERNO : 6

Document 109 of 501

BATES\_RANGE : MRK-AAD0109624-MRK-AAD0109624  
ATTACHMENTS : Attaching MRK-AAD0109625-MRK-AAD0109638  
PRIV\_CLAIM : Attorney-Client Privilege and Work Product  
DATE : 10/21/01  
AUTHOR : Lahner, Joanne\*  
RECIPIENT : Reicin, Alise S.  
DESCRIPTION : E-mail reflecting legal advice and opinions regarding draft presentation and preparatory measures taken in anticipation of litigation.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 2  
FOLDERNO : 7

Document 110 of 501

BATES\_RANGE : MRK-AAD0109625-MRK-AAD0109638  
ATTACHMENTS : Attached to MRK-AAD0109624-MRK-AAD0109624  
PRIV\_CLAIM : Attorney-Client Privilege and Work Product  
DATE : 10/25/01  
AUTHOR : Lahner, Joanne\*  
RECIPIENT : Reicin, Alise S.  
DESCRIPTION : Draft presentation reflecting a request for legal advice and opinions regarding presentation to DDMAC concerning Vioxx study data.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 2  
FOLDERNO : 7

Special Master Recommended Ruling - PSC "600"

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BATES\_RANGE : MRK-AAD0109751-MRK-AAD0109751  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 10/22/01  
AUTHOR : Lahner, Joanne\*  
RECIPIENT : Reicin, Alise S.  
DESCRIPTION : E-mail Portion reflecting a request for legal advice and opinions regarding discussion of advertisement resubmission to United States Food and Drug Administration for approval.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 2  
FOLDERNO : 7

Document 112 of 501

BATES\_RANGE : MRK-AAD0168306-MRK-AAD0168306  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 03/06/02  
AUTHOR : Braunstein, Ned S.  
RECIPIENT : Connors, Laurine G.; Silverman, Robert E. cc: Reicin, Alise S.; Truitt, Ken E.  
DESCRIPTION : E-mail reflecting legal advice and opinions from Lahner, Joanne\* regarding regulatory issues surrounding VIOXX CIB.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : DENIED  
SM\_REC\_EXPL : Single redaction does not reveal legal advice.  
BOX\_NUM : 2  
FOLDERNO : 6

Document 113 of 501

BATES\_RANGE : MRK-AAD0168405-MRK-AAD0168406  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 03/07/02  
AUTHOR : Shapiro, Deborah R.  
RECIPIENT : Braunstein, Ned S.; Truitt, Ken E.; Connors, Laurine G.; Silverman, Robert E. cc: Reicin, Alise S.  
DESCRIPTION : E-mail reflecting legal advice and opinions of Lahner, Joanne\* regarding Vioxx CIB.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : DENIED  
SM\_REC\_EXPL : Three redactions do not reveal legal advice received.  
BOX\_NUM : 2  
FOLDERNO : 6

Document 114 of 501

BATES\_RANGE : MRK-AAD0168410-MRK-AAD0168412  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 03/07/02  
AUTHOR : Shapiro, Deborah R.  
RECIPIENT : Braunstein, Ned S.; Connors, Laurine G.; Silverman, Robert E.; Truitt, Ken E. cc: Reicin, Alise S.  
DESCRIPTION : E-mail reflecting legal advice and opinions of Lahner, Joanne\* regarding Vioxx CIB.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : DENIED  
SM\_REC\_EXPL : Redaction reveals that a decision was made with Regulatory and Lahner. Her legal advice is not disclosed.  
BOX\_NUM : 2  
FOLDERNO : 6

Document 115 of 501

BATES\_RANGE : MRK-AAD0174422-MRK-AAD0174426

Special Master Recommended Ruling - PSC "600"

PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/15/02  
AUTHOR : Hirsch, Laurence J.  
RECIPIENT : Reicin, Alise S.  
DESCRIPTION : E-mail reflecting a request to Joanne Lahner\* for legal advice and opinions regarding abstract.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : GRANTED IN PART; DENIED IN PART  
SM\_REC\_EXPL : First redaction does not reveal contents of confidential communication to or from an attorney. Denied. Last sentence in first redaction - Granted. Second redaction is generally not primarily seeking legal advice - Denied.

Separate paragraph addressed to Joanne in second redaction - Granted.

BOX\_NUM : 2  
FOLDERNO : 6

Document 116 of 501

BATES\_RANGE : MRK-ABA0013860-MRK-ABA0013860  
ATTACHMENTS : Attaching MRK-ABA0013861-MRK-ABA0013861  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 11/21/01  
AUTHOR : DiBattiste, Peter M.  
RECIPIENT : Demopolous, Laura A.; Gertz, Barry J.; Henshall, Ronald S.\*; Reicin, Alise S.  
DESCRIPTION : E-mail reflecting client confidences and a request for legal advice and opinions regarding draft presentation and draft memo re: CV outcomes and Vioxx.

W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED  
SM\_REC\_EXPL : Sent to many for comment. The messages not primarily for legal advice or assistance. The redacted sentences do not disclose confidential information. It notes that Henshall was sent a copy, which the header reveals. Comments to Ron do not reveal legal advice or the content of a confidential communication seeking legal assistance.

BOX\_NUM : 2  
FOLDERNO : 6

Document 117 of 501

BATES\_RANGE : MRK-ABA0013861-MRK-ABA0013861  
ATTACHMENTS : Attached to MRK-ABA0013860-MRK-ABA0013860  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 11/20/01  
AUTHOR : DiBattiste, Peter M.  
RECIPIENT : DMC; Henshall, Ronald S.\*  
DESCRIPTION : Memorandum reflecting client confidences and a request for legal advice and opinions regarding coxib studies.

W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART; DENIED IN PART  
SM\_REC\_EXPL : The attachment to a mixed purpose communication is not privileged, but Merck may redact whatever comments of lawyers appear on the attachment prior to its production.

BOX\_NUM : 2  
FOLDERNO : 6

Document 118 of 501

BATES\_RANGE : MRK-ABH0019607-MRK-ABH0019756  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 03/13/01  
AUTHOR : Commercialization Team  
RECIPIENT : Anstice, David W.; Ghanem, Roland; Greene, Douglas Alan; Henshall, Ronald S.\*; Kelley, Bernard J.; Kim, Peter S.; Margolskee, Dorothy; McGlynn, Margaret G.; Nies, Alan S.; Scolnick, Edward M.; Sheares, Bradley T.; Slater, Eve; Verhoeven, Tom R.; Wold-Olsen, Per; Woodward, Thomas L. cc:

Special Master Recommended Ruling - PSC "600"

Bissett, Robert T.\*  
DESCRIPTION : Memorandum reflecting legal advice and opinions regarding FDA regulations .  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : DENIED IN PART; GRANTED IN PART  
SM\_REC\_EXPL : Page 19613 redaction-denied except for clause following "Oct. 01"-GRANTED.  
BOX\_NUM : 2  
FOLDERNO : 7

Document 119 of 501

BATES\_RANGE : MRK-ABK0092223-MRK-ABK0092372  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 03/13/01  
AUTHOR : Commercialization Team Members  
RECIPIENT : Anstice, David W. Ghanem, Roland; Greene, Douglas Alan; Henshall, Ronald S.\*; Kelley, Bernard J.; Kim, Peter S.; Margolskee, Dorothy; McGlynn, Margie G., Nies, Alan S.; Scolnick, Edward M.; Sheares, Bradley T.; Slater, Eve E.; Verhoeven, Thomas R.; Wold-Olsen, Per; Woodward, Thomas R.; Beauchard, Lucine E.; Block, Gilbert A.; Dixon, Wendy L.; El-Dada, Riad H.; Geba, Gregory P.; Gertz, Barry J.; Grosser, Karen; Harper, Sean E.; Johnson, Patricia A.; Kornowski, Sophie; Reicin, Alise S.; Ruef, Tim F.; Silverman, Robert E.; Simpson, Sandra L.; Tolani, Dinesh A.; Truitt, Kenneth E.; Vadas, Elizabeth B.; Watson, Douglas J. cc: Bissett, Robert T.\*

DESCRIPTION : Memorandum reflecting legal advice and opinions regarding HHPAC background material and study regulatory issues.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : DENIED IN PART; GRANTED IN PART  
SM\_REC\_EXPL : Page 92229 - First redaction-DENIED because legal advice is not apparent. Second redaction denied except for clause following "Oct 01" - Granted.

BOX\_NUM : 2  
FOLDERNO : 7

Document 120 of 501

BATES\_RANGE : MRK-ABK0149973-MRK-ABK0149976  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/15/02  
AUTHOR : Reicin, Alise S.  
RECIPIENT : Sperling, Rhoda S.; Lahner, Joanne\*; Hirsch, Laurence J.  
DESCRIPTION : E-mail reflecting a request for legal advice and opinions regarding VIGOR abstract.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED IN PART; GRANTED IN PART  
SM\_REC\_EXPL : Whole e-mail thread is not listed on privilege log. Legal advice generally not sought through e-mail thread except for last message. Last message not primarily for legal assistance, but paragraph addressed exclusively to Joanne is privileged.

BOX\_NUM : 2  
FOLDERNO : 7

Document 121 of 501

BATES\_RANGE : MRK-ABK0150232-MRK-ABK0150235  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/15/02  
AUTHOR : Reicin, Alise S.  
RECIPIENT : Sperling, Rhoda S.; Lahner, Joanne\*; Hirsch, Laurence J.  
DESCRIPTION : E-mail reflecting a request for legal advice and opinions regarding VIGOR abstract.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED IN PART; GRANTED IN PART  
SM\_REC\_EXPL : Whole e-mail thread is not listed on privilege log. Legal advice generally not sought through e-mail thread except for last message. Last message not primarily for legal assistance, but paragraph addressed exclusively to Joanne is privileged.

BOX\_NUM : 2  
FOLDERNO : 7

Document 122 of 501

BATES\_RANGE : MRK-ABK0221030-MRK-ABK0221034  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/15/02  
AUTHOR : Hirsch, Laurence J.  
RECIPIENT : Reicin, Alise S.  
DESCRIPTION : E-mail reflecting a request to Joanne Lahner\* for legal advice and opinions regarding abstract.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : DENIED IN PART; GRANTED IN PART  
SM\_REC\_EXPL : First redaction does not reveal legal advice. DENIED.  
Second redaction is not revealing legal advice or request for legal advice- DENIED -except for last paragraph addressed to Joanne - GRANTED.  
BOX\_NUM : 2  
FOLDERNO : 7

Document 123 of 501

BATES\_RANGE : MRK-ACC0055301-MRK-ACC0055304  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/15/02  
AUTHOR : Reicin, Alise S.  
RECIPIENT : Sperling, Rhoda; Lahner, Joanne\*; Hirsch, Laurence J.  
DESCRIPTION : E-mail reflecting a request for legal advice and opinions regarding VIGOR abstract.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART; DENIED IN PART  
SM\_REC\_EXPL : Whole e-mail thread is not listed on the privilege log. Thread of messages in general are not primarily for legal advice. Sent to many for comment. Denied. Paragraph in last message addressed to Lahner - Granted.  
BOX\_NUM : 2  
FOLDERNO : 6

Document 124 of 501

BATES\_RANGE : MRK-ACD0018549-MRK-ACD0018550  
ATTACHMENTS : Attaching MRK-ACD0018551-MRK-ACD0018552  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 12/10/01  
AUTHOR : Lahner, Joanne\*  
RECIPIENT : Braunstein, Ned S. cc: Reines, Scott A.; Reicin, Alise S.; Bain, Raymond P.; Gertz, Barry J.; Silverman, Robert E.  
DESCRIPTION : E-mail reflecting legal advice and opinions regarding draft VIOXX FDA letter.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED  
SM\_REC\_EXPL : Whole e-mail thread has not been listed on the privilege log. First two messages sent to Lahner and many others. It was not primarily for the purpose of obtaining legal assistance. Third message from Lahner reveals no comments of Lahner.  
BOX\_NUM : 2  
FOLDERNO : 7

Document 125 of 501

BATES\_RANGE : MRK-ACD0018551-MRK-ACD0018552  
ATTACHMENTS : Attached to MRK-ACD0018549-MRK-ACD0018550  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 12/10/01  
AUTHOR : Lahner, Joanne\*  
RECIPIENT : Braunstein, Ned S. cc: Reines, Scott A.; Reicin, Alise S.; Bain, Raymond P.; Gertz, Barry J.;

Special Master Recommended Ruling - PSC "600"

Silverman, Robert E.  
DESCRIPTION : Draft correspondence reflecting legal advice and opinions regarding Vioxx response to agency and promotional issues.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART; DENIED IN PART  
SM\_REC\_EXPL : Attachment to a mixed purpose communication is not privileged, but the attached comments of a lawyer may be redacted before production.  
BOX\_NUM : 2

Document 126 of 501

BATES\_RANGE : MRK-ACR0012722-MRK-ACR0012722  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 01/26/01  
AUTHOR : Frazier, Kenneth C.\*  
RECIPIENT : Greene, Douglas Alan cc: Wainwright, Joan  
DESCRIPTION : E-mail reflecting legal advice and opinions regarding confidentiality of Vigor study issues.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED  
SM\_REC\_EXPL : Frazier does not appear to be giving legal advice or assistance. He is bringing a vice president up to date regarding press inquiries and gathering information about whether the source of the story has been contacted. The lawyer initiated the contact and, at this juncture, does not appear to be giving advice.  
BOX\_NUM : 2  
FOLDERNO : 6

Document 127 of 501

BATES\_RANGE : MRK-ACR0012723-MRK-ACR0012724  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 01/26/01  
AUTHOR : Frazier, Kenneth C.\*  
RECIPIENT : Greene, Douglas Alan cc: Reicin, Alise S.; Wainwright, Joan  
DESCRIPTION : E-mail reflecting legal advice and opinions regarding VIGOR study issues.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED  
SM\_REC\_EXPL : Whole e-mail thread is not disclosed on the privilege log.  
In the first message the lawyer initiates the communication. He appears to be bringing recipient up to date on press inquiries and asking about source of news article. Legal advice does not appear to be the primary purpose of the communication. Second message from Greene responds to Frazier's inquiries. Last message reveals nothing but Frazier's thanks.  
BOX\_NUM : 2  
FOLDERNO : 6

Document 128 of 501

BATES\_RANGE : MRK-AFS0007977-MRK-AFS0007978  
ATTACHMENTS : Attaching MRK-AFS0007979-MRK-AFS0007980  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 12/10/01  
AUTHOR : Lahner, Joanne\*  
RECIPIENT : Braunstein, Ned S. cc: Reines, Scott A.; Reicin, Alise S.; Bain, Raymond P.; Gertz, Barry J.; Silverman, Robert E.  
DESCRIPTION : E-mail reflecting legal advice and opinions regarding draft VIOXX FDA letter.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED  
SM\_REC\_EXPL : Whole e-mail thread has not been listed on the privilege log. First two messages sent to Lahner and many others. It was not primarily for the purpose of obtaining legal assistance. Third message from Lahner reveals no comments of Lahner.

BOX\_NUM : 2  
FOLDERNO : 7

Document 129 of 501

BATES\_RANGE : MRK-AFS0007979-MRK-AFS0007980  
ATTACHMENTS : Attached to MRK-AFS0007977-MRK-AFS0007978  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 12/10/01  
AUTHOR : Lahner, Joanne\*  
RECIPIENT : Braunstein, Ned S. cc: Reines, Scott A.; Reicin, Alise S.; Bain, Raymond P.; Gertz, Barry J.; Silverman, Robert E.  
DESCRIPTION : Draft public relations document reflecting legal advice and opinions regarding Vioxx response to agency and study issues.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART; DENIED IN PART  
SM\_REC\_EXPL : Attachment to a mixed purpose communication is not privileged, but the attached comments of a lawyer may be redacted before production.  
BOX\_NUM : 2  
FOLDERNO : 7

Document 130 of 501

BATES\_RANGE : MRK-AFV0231155-MRK-AFV0231156  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 03/07/02  
AUTHOR : Shapiro, Deborah R.  
RECIPIENT : Braunstein, Ned S.; Truitt, Ken E.; Connors, Laurine G.; Silverman, Robert E. cc: Reicin, Alise S.  
DESCRIPTION : E-mail reflecting legal advice and opinions of Lahner, Joanne\* regarding Vioxx CIB.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : DENIED  
SM\_REC\_EXPL : Two redactions do not reveal legal advice received.  
BOX\_NUM : 2  
FOLDERNO : 6

Document 131 of 501

BATES\_RANGE : MRK-AFV0231157-MRK-AFV0231159  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 03/07/02  
AUTHOR : Reicin, Alise S.  
RECIPIENT : Braunstein, Ned S.; Shapiro, Deborah R.; Truitt, Ken E.; Connors, Laurine G.; Silverman, Robert E.  
DESCRIPTION : E-mail reflecting legal advice and opinions of Lahner, Joanne\* regarding update of Vioxx CIB.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : DENIED  
SM\_REC\_EXPL : Neither redaction reveals legal advice.  
BOX\_NUM : 2  
FOLDERNO : 6

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BATES\_RANGE : MRK-AFV0231160-MRK-AFV0231161  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 03/07/02  
AUTHOR : Reicin, Alise S.  
RECIPIENT : Braunstein, Ned S.; Truitt, Ken E.; Connors, Laurine G.; Silverman, Robert E. cc: Shapiro, Deborah R.  
DESCRIPTION : E-mail reflecting legal advice and opinions of Lahner, Joanne\* regarding update of Vioxx CIB.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : DENIED  
SM\_REC\_EXPL : Neither redaction reveals legal advice.

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BOX\_NUM : 2  
FOLDERNO : 6

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BATES\_RANGE : MRK-AFV0231162-MRK-AFV0231164  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 03/07/02  
AUTHOR : Shapiro, Deborah R.  
RECIPIENT : Braunstein, Ned S.; Truitt, Ken E.; Connors, Laurine G.; Silverman, Robert E. cc: Reicin, Alise S.  
DESCRIPTION : E-mail reflecting legal advice and opinions of Lahner, Joanne\* regarding Vioxx CIB.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : DENIED  
SM\_REC\_EXPL : Neither redaction reveals legal advice.  
BOX\_NUM : 2  
FOLDERNO : 6

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BATES\_RANGE : MRK-AFV0260627-MRK-AFV0260627  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 03/06/02  
AUTHOR : Braunstein, Ned S.  
RECIPIENT : Connors, Laurine G.; Silverman, Robert E. cc: Reicin, Alise S.; Truitt, Ken E.; Russo, Elaine M.  
DESCRIPTION : E-mail reflecting legal advice and opinions of Lahner, Joanne\* regarding update of Vioxx CIB.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : DENIED  
SM\_REC\_EXPL : Single redaction does not reveal legal advice.  
BOX\_NUM : 2  
FOLDERNO : 6

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BATES\_RANGE : MRK-AHR0082576-MRK-AHR0082576  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 03/06/02  
AUTHOR : Braunstein, Ned S.  
RECIPIENT : Connors, Laurine G.; Silverman, Robert E. cc: Reicin, Alise S.; Truitt, Ken E.  
DESCRIPTION : E-mail reflecting legal advice and opinions from Lahner, Joanne\* regarding changes to Vioxx CIB.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : DENIED  
SM\_REC\_EXPL : Single redaction does not reveal legal advice.  
BOX\_NUM : 2  
FOLDERNO : 6

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BATES\_RANGE : MRK-AHR0082675-MRK-AHR0082676  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 03/07/02  
AUTHOR : Shapiro, Deborah R.  
RECIPIENT : Braunstein, Ned S.; Truitt, Ken E.; Connors, Laurine G.; Silverman, Robert E. cc: Reicin, Alise S.  
DESCRIPTION : E-mail reflecting legal advice and opinions from Lahner, Joanne\* regarding updating the Vioxx CIB.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : DENIED  
SM\_REC\_EXPL : Two redactions do not reveal legal advice received.  
BOX\_NUM : 2  
FOLDERNO : 6

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BATES\_RANGE : MRK-AHR0082683-MRK-AHR0082685  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 03/07/02  
AUTHOR : Reicin, Alise S.  
RECIPIENT : Braunstein, Ned S.; Shapiro, Deborah R.; Truitt, Ken E.; Connors, Laurine G.; Silverman, Robert E.  
DESCRIPTION : E-mail reflecting legal advice and opinions from Lahner, Joanne\* regarding updating the Vioxx CIB.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : DENIED  
SM\_REC\_EXPL : Neither redaction reveals legal advice.  
BOX\_NUM : 2  
FOLDERNO : 6

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BATES\_RANGE : MRK-AHR0082686-MRK-AHR0082687  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 03/07/02  
AUTHOR : Reicin, Alise S.  
RECIPIENT : Braunstein, Ned S.; Truitt, Ken E.; Connors, Laurine G.; Silverman, Robert E. cc: Shapiro, Deborah R.  
DESCRIPTION : E-mail reflecting legal advice and opinions from Lahner, Joanne\* regarding updating the Vioxx CIB.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : DENIED  
SM\_REC\_EXPL : Neither redaction reveals legal advice.  
BOX\_NUM : 2  
FOLDERNO : 6

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BATES\_RANGE : MRK-AHR0082690-MRK-AHR0082692  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 03/07/02  
AUTHOR : Shapiro, Deborah R.  
RECIPIENT : Braunstein, Ned S.; Truitt, Ken E.; Connors, Laurine G.; Silverman, Robert E. cc: Reicin, Alise S.  
DESCRIPTION : E-mail reflecting legal advice and opinions from Lahner, Joanne\* regarding updating the Vioxx CIB.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : DENIED  
SM\_REC\_EXPL : Neither redaction reveals legal advice.  
BOX\_NUM : 2  
FOLDERNO : 6

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BATES\_RANGE : MRK-AKU0001999-MRK-AKU0001999  
ATTACHMENTS : Attaching MRK-AKU0002000-MRK-AKU0002013  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 10/18/01  
AUTHOR : Reicin, Alise S.  
RECIPIENT : Lahner, Joanne\*  
DESCRIPTION : E-mail reflecting a request for legal advice and opinions regarding DDMAC draft communications.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 2  
FOLDERNO : 7

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BATES\_RANGE : MRK-AKU0002000-MRK-AKU0002013  
ATTACHMENTS : Attached to MRK-AKU0001999-MRK-AKU0001999  
PRIV\_CLAIM : Attorney-Client Privilege

Special Master Recommended Ruling - PSC "600"

DATE : 10/18/01  
AUTHOR : Reicin, Alise S.  
RECIPIENT : Lahner, Joanne\*  
DESCRIPTION : Draft slides reflecting legal advice and opinions regarding clinical studies dealing with efficacy.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 2  
FOLDERNO : 7

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BATES\_RANGE : MRK-AKU0002019-MRK-AKU0002019  
ATTACHMENTS : Attaching MRK-AKU0002020-MRK-AKU0002036  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 10/21/01  
AUTHOR : Reicin, Alise S.  
RECIPIENT : Lahner, Joanne\*  
DESCRIPTION : E-mail reflecting a request for legal advice and opinions regarding draft DDMAC communications.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 2  
FOLDERNO : 7

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BATES\_RANGE : MRK-AKU0002020-MRK-AKU0002036  
ATTACHMENTS : Attached to MRK-AKU0002019-MRK-AKU0002019  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 10/21/01  
AUTHOR : Reicin, Alise S.  
RECIPIENT : Lahner, Joanne\*  
DESCRIPTION : Draft slides reflecting legal advice and opinions regarding VIGOR study.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 2  
FOLDERNO : 7

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BATES\_RANGE : MRK-AKU0021629-MRK-AKU0021632  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/15/02  
AUTHOR : Reicin, Alise S.  
RECIPIENT : Sperling, Rhoda; Lahner, Joanne\*; Hirsch, Laurence J.  
DESCRIPTION : E-mail reflecting a request for legal advice and opinions regarding Naproxen abstract.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART; DENIED IN PART  
SM\_REC\_EXPL : Whole e-mail thread is not listed on the privilege log. Thread of messages in general are not primarily for legal advice. Sent to many for comment. Denied. Paragraph in last message addressed to Lahner - Granted.  
BOX\_NUM : 2  
FOLDERNO : 6

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BATES\_RANGE : MRK-AKU0030026-MRK-AKU0030026  
ATTACHMENTS : Attaching MRK-AKU0030027-MRK-AKU0030040  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 10/21/01  
AUTHOR : Lahner, Joanne\*  
RECIPIENT : Reicin, Alise S.  
DESCRIPTION : E-mail reflecting legal advice and opinions regarding draft slide presentation.

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W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 2  
FOLDERNO : 7

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BATES\_RANGE : MRK-AKU0030027-MRK-AKU0030040  
ATTACHMENTS : Attached to MRK-AKU0030026-MRK-AKU0030026  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 10/21/01  
AUTHOR : Lahner, Joanne\*  
RECIPIENT : Reicin, Alise S.  
DESCRIPTION : Draft slide presentation reflecting legal advice and opinions regarding DDMAC meeting.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 2  
FOLDERNO : 7

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BATES\_RANGE : MRK-AKU0030520-MRK-AKU0030521  
ATTACHMENTS : Attaching MRK-AKU0030522-MRK-AKU0030523  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 12/10/01  
AUTHOR : Lahner, Joanne\*  
RECIPIENT : Braunstein, Ned S. cc: Reines, Scotta A.; Reicin, Alise S.; Bain, Raymond P.; Gertz, Barry J.; Silverman, Robert  
DESCRIPTION : E-mail reflecting legal advice and opinions regarding draft Vioxx response to Agency.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED  
SM\_REC\_EXPL : Whole e-mail thread has not been listed on the privilege log. First two messages sent to Lahner and many others. It was not primarily for the purpose of obtaining legal assistance. Third message from Lahner reveals no comments of Lahner.  
BOX\_NUM : 2  
FOLDERNO : 7

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BATES\_RANGE : MRK-AKU0030522-MRK-AKU0030523  
ATTACHMENTS : Attached to MRK-AKU0030520-MRK-AKU0030521  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 12/10/01  
AUTHOR : Lahner, Joanne\*  
RECIPIENT : Braunstein, Ned S. cc: Reines, Scotta A.; Reicin, Alise S.; Bain, Raymond P.; Gertz, Barry J.; Silverman, Robert  
DESCRIPTION : Draft questions reflecting legal advice and opinions regarding Alzheimer's disease.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART; DENIED IN PART  
SM\_REC\_EXPL : Attachment to a mixed purpose communication is not privileged, but the attached comments of a lawyer may be redacted before production.  
BOX\_NUM : 2  
FOLDERNO : 7

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BATES\_RANGE : MRK-JAF0023878-MRK-JAF0023879  
ATTACHMENTS : Attaching MRK-JAF0023880-MRK-JAF0023881  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 12/10/01  
AUTHOR : Lahner, Joanne\*  
RECIPIENT : Braunstein, Ned S. cc: Reines, Scott A.; Reicin, Alise; Bain, Raymond P.; Gertz, Barry; Silverman,

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Robert  
DESCRIPTION : E-mail reflecting legal advice and opinions regarding draft VIOXX response to Agency.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED  
SM\_REC\_EXPL : Whole e-mail thread has not been listed on the privilege log. First two messages sent to Lahner and many others. It was not primarily for the purpose of obtaining legal assistance. Third message from Lahner reveals no comments of Lahner.

BOX\_NUM : 2  
FOLDERNO : 7

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BATES\_RANGE : MRK-JAF0023880-MRK-JAF0023881  
ATTACHMENTS : Attached to MRK-JAF0023878-MRK-JAF0023879  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 12/10/01  
AUTHOR : Lahner, Joanne\*  
RECIPIENT : Braunstein, Ned S. cc: Reines, Scott A.; Reicin, Alise; Bain, Raymond P.; Gertz, Barry; Silverman, Robert  
DESCRIPTION : Draft correspondence reflecting legal advice and opinions regarding draft VIOXX response to Agency.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART; DENIED IN PART  
SM\_REC\_EXPL : Attachment to a mixed purpose communication is not privileged, but the attached comments of a lawyer may be redacted before production.

BOX\_NUM : 2  
FOLDERNO : 7

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BATES\_RANGE : MRK-AAB0064315-MRK-AAB0064316  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 01/24/01  
AUTHOR : Reicin, Alise S.  
RECIPIENT : Silverman, Robert E.; Hirsch, Laurence J. cc: Shapiro, Deborah R.  
DESCRIPTION : E-mail reflecting a recitation of legal advice and opinions of Lahner, Joanne\* regarding VIGOR related regulatory issues.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : GRANTED  
SM\_REC\_EXPL : Granted as redacted  
BOX\_NUM : 3  
FOLDERNO : 7

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BATES\_RANGE : MRK-AAB0078254-MRK-AAB0078256  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 03/07/02  
AUTHOR : Braunstein, Ned S.  
RECIPIENT : Shapiro, Deborah R.; Truitt, Ken E.; Connors, Laurine G.; Silverman, Robert E. cc: Reicin, Alise S.  
DESCRIPTION : E-mail reflecting legal advice and opinions of Lahner, Joanne\* regarding Vioxx CIB.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : DENIED  
SM\_REC\_EXPL : Redaction reveals that Regulatory Mgt and Lahner had input into a decision. This does not make the decision privileged because the message did not reveal the legal advice received.

BOX\_NUM : 3  
FOLDERNO : 7

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BATES\_RANGE : MRK-AAB0078295-MRK-AAB0078297  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 03/08/02  
AUTHOR : Reicin, Alise S.  
RECIPIENT : Shapiro, Deborah R.; Braunstein, Ned S.; Truitt, Ken E.; Connors, Laurine G.; Silverman, Robert E.  
DESCRIPTION : E-mail reflecting a request for legal advice and opinions of Lahner, Joanne\* regarding Vioxx CIB.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : DENIED  
SM\_REC\_EXPL : Redaction reveals that Regulatory Mgt and Lahner had input into a decision. This does not make the decision privileged because the message did not reveal the legal advice received.

BOX\_NUM : 3  
FOLDERNO : 7

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BATES\_RANGE : MRK-AAC0063778-MRK-AAC0063778  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 09/24/01  
AUTHOR : Silverman, Robert E.  
RECIPIENT : Goldmann, Bonnie J; Blois, David W.; Greene, Douglas Alan; Gertz, Barry J.; Truitt, Ken E; Braunstein, Ned S.; Brokopp, Hanne; Defusco, Christa L.; Eader, Lou Ann; Erb, Dennis M.; Huang, Philip Lin; Leshner, Michelle Domingo; Loran, Bea; Mussen, Filip; Preuveneers, Geert; Simpson, Sandra L.; White-Guay, Brian cc: Lahner, Joanne\*; Dixon, Wendy L.  
DESCRIPTION : E-mail reflecting legal advice regarding approach to warning letter from FDA.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : GRANTED  
SM\_REC\_EXPL : Granted as redacted.  
BOX\_NUM : 3  
FOLDERNO : 7

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BATES\_RANGE : MRK-AAD0074197-MRK-AAD0074197  
ATTACHMENTS : Attaching MRK-AAD0074198-MRK-AAD0074202  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 10/08/01  
AUTHOR : Quinlan, Michael D.\*  
RECIPIENT : Reicin, Alise S.; Pruitt, Kenneth F.; Simpson, Sandra L. cc: Lahner, Joanne\*; Smith-Wang, Bjorn  
DESCRIPTION : E-mail reflecting legal advice and opinions regarding public relations issues.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED  
SM\_REC\_EXPL : First message not sent to a lawyer - DENIED. It is not revealed how first non-privileged message was attached to a confidential communication to Quinlan.  
Quinlan's message sending the first message to others for review and comment is not shown to be necessary for Quinlan's advice as opposed to a circulation in the normal course of business. Additionally, one of the addressees, Kenneth F. Pruitt, is not identified or on the list of corporate employees.

BOX\_NUM : 3  
FOLDERNO : 8

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BATES\_RANGE : MRK-AAD0074198-MRK-AAD0074202  
ATTACHMENTS : Attached to MRK-AAD0074197-MRK-AAD0074197  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 10/08/01  
AUTHOR : Quinlan, Michael D.\*  
RECIPIENT : Reicin, Alise S.; Pruitt, Kenneth F.; Simpson, Sandra L. cc: Lahner, Joanne\*; Smith-Wang, Bjorn

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DESCRIPTION : Draft public relations materials reflecting client confidences and a request for legal advice and opinions as regards CV issues.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED  
SM\_REC\_EXPL : Attachment to a non-privileged communication is not privileged and comments on the attachment are those of a non-lawyer.

BOX\_NUM : 3  
FOLDERNO : 8

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BATES\_RANGE : MRK-AAD0075552-MRK-AAD0075553  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 11/02/01  
AUTHOR : DeGennaro, Pamela R., incorporating email to Lahner, Joanne\*.  
RECIPIENT : Reicin, Alise S.  
DESCRIPTION : E-mail reflecting client confidences and requesting legal advice and opinions regarding draft medical letter responding to Konstam article.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART; DENIED IN PART  
SM\_REC\_EXPL : Whole e-mail thread is not listed on the privilege log.  
Only e-mail to Lahner dated Fri. Nov 2, 2001, 11:43 am is privileged - Granted.  
Remainder of e-mail thread - Denied.  
Not seeking legal advice.

BOX\_NUM : 3  
FOLDERNO : 7

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BATES\_RANGE : MRK-AAD0085686-MRK-AAD0085690  
PRIV\_CLAIM : Attorney-Client Privilege and Work Product  
DATE : 10/24/01  
AUTHOR : Reicin, Alise S., incorporating an e-mail from Lahner, Joanne\*  
RECIPIENT : Stejbach, Mark P.  
DESCRIPTION : E-mail reflecting legal advice and opinions regarding litigation issues and preparatory measures taken in anticipation of litigation.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : GRANTED  
SM\_REC\_EXPL : Granted as redacted.  
BOX\_NUM : 3  
FOLDERNO : 8

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BATES\_RANGE : MRK-AAD0086015-MRK-AAD0086019  
PRIV\_CLAIM : Attorney-Client Privilege and Work Product  
DATE : 10/26/01  
AUTHOR : Reicin, Alise S., incorporating an e-mail from Lahner, Joanne\*  
RECIPIENT : Stejbach, Mark P.  
DESCRIPTION : E-mail reflecting legal advice and opinions regarding litigation issues and preparatory measures taken in anticipation of litigation.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : GRANTED  
SM\_REC\_EXPL : Granted as redacted.  
BOX\_NUM : 3  
FOLDERNO : 8

Special Master Recommended Ruling - PSC "600"

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BATES\_RANGE : MRK-AAD0086618-MRK-AAD0086619  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 11/02/01  
AUTHOR : Reicin, Alise S.  
RECIPIENT : Lahner, Joanne\*  
DESCRIPTION : E-mail requesting legal advice, review and opinions regarding medical letter responding to article.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 3  
FOLDERNO : 7

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BATES\_RANGE : MRK-AAD0109622-MRK-AAD0109622  
ATTACHMENTS : Attaching MRK-AAD0109623-MRK-AAD0109623  
PRIV\_CLAIM : Attorney-Client Privilege and Work Product  
DATE : 10/21/01  
AUTHOR : Lahner, Joanne\*  
RECIPIENT : Reicin, Alise S.  
DESCRIPTION : E-mail reflecting legal advice and opinions regarding regulatory and promotional issues concerning VIGOR study results and correspondence with DDMAC.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 3  
FOLDERNO : 7

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BATES\_RANGE : MRK-AAD0109623-MRK-AAD0109623  
ATTACHMENTS : Attached to MRK-AAD0109622-MRK-AAD0109622  
PRIV\_CLAIM : Attorney-Client Privilege and Work Product  
DATE : 10/21/01  
AUTHOR : Lahner, Joanne\*  
RECIPIENT : Reicin, Alise S.  
DESCRIPTION : Draft schedule reflecting legal advice and opinions regarding litigation issues and preparatory measures taken in anticipation of litigation.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 3  
FOLDERNO : 7

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BATES\_RANGE : MRK-AAD0111071-MRK-AAD0111072  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 11/02/01  
AUTHOR : Lahner, Joanne\*  
RECIPIENT : Reicin, Alise S.  
DESCRIPTION : E-mail reflecting client confidences and requesting legal advice and opinions regarding draft medical letter responding to Konstam article.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 3  
FOLDERNO : 7

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BATES\_RANGE : MRK-AAD0111074-MRK-AAD0111075  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 11/02/01

Special Master Recommended Ruling - PSC "600"

AUTHOR : DeGennaro, Pamela R., incorporating email to Lahner, Joanne\*.  
RECIPIENT : Reicin, Alise S.  
DESCRIPTION : E-mail reflecting client confidences and requesting legal advice and opinions regarding draft medical letter responding to Konstam article.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : GRANTED  
SM\_REC\_EXPL : Granted as redacted  
BOX\_NUM : 3  
FOLDERNO : 7

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BATES\_RANGE : MRK-AAD0165403-MRK-AAD0165403  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 02/15/02  
AUTHOR : El-Dada, Riad H.  
RECIPIENT : Reicin, Alise S.  
DESCRIPTION : E-mail reflecting legal advice and opinions from Lahner, Joanne\* regarding MRL/CDP support post label change.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : GRANTED IN PART; DENIED IN PART  
SM\_REC\_EXPL : First redaction - Granted.  
Second redaction - Denied.  
The fact that Lahner wants to speak with third parties and the scheduling of a conference call is not privileged information about an attorney-client relationship.  
BOX\_NUM : 3  
FOLDERNO : 7

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BATES\_RANGE : MRK-AAD0168310-MRK-AAD0168311  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 03/07/02  
AUTHOR : Truitt, Ken E.  
RECIPIENT : Braunstein, Ned S.; Connors, Laurine G.; Silverman, Robert E. cc: Reicin, Alise S.  
DESCRIPTION : E-mail reflecting legal advice and opinions from Lahner, Joanne\* regarding regulatory issues surrounding VIOXX CIB.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : DENIED  
SM\_REC\_EXPL : Redaction reveals that Regulatory Mgt and Lahner had input into a decision. This does not make the decision privileged because the message did not reveal the legal advice received.  
BOX\_NUM : 3  
FOLDERNO : 7

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BATES\_RANGE : MRK-AAD0168312-MRK-AAD0168313  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 03/07/02  
AUTHOR : Braunstein, Ned S.  
RECIPIENT : Truitt, Ken E.; Connors, Laurine G.; Silverman, Robert E. cc: Reicin, Alise S.; Shapiro, Deborah R.  
DESCRIPTION : E-mail reflecting legal advice and opinions of Lahner, Joanne\* regarding Vioxx CIB.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : DENIED  
SM\_REC\_EXPL : First redaction reveals no legal advice. Second redaction reveals that Regulatory Mgt and Lahner had input into a decision. This does not make the decision privileged because the message did not reveal the legal advice received.  
BOX\_NUM : 3  
FOLDERNO : 7

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BATES\_RANGE : MRK-AAD0168407-MRK-AAD0168409  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 03/07/02  
AUTHOR : Braunstein, Ned S.  
RECIPIENT : Shapiro, Deborah R.; Truitt, Ken E.; Connors, Laurine G.; Silverman, Robert E. cc: Reicin, Alise S.  
DESCRIPTION : E-mail reflecting legal advice and opinions of Lahner, Joanne\* regarding Vioxx CIB .  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : DENIED  
SM\_REC\_EXPL : Redaction reveals that Regulatory Mgt and Lahner had input into a decision. This does not make the decision privileged because the message did not reveal the legal advice received.

BOX\_NUM : 3  
FOLDERNO : 7

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BATES\_RANGE : MRK-AAD0172916-MRK-AAD0172929  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/08/02  
AUTHOR : Fanelle, Christine  
RECIPIENT : Reicin, Alise S.  
DESCRIPTION : Public relations document reflecting request for legal and Lahner, Joanne's\* advice regarding draft Q&A for Vioxx Label Change.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : GRANTED IN PART; DENIED IN PART  
SM\_REC\_EXPL : First redaction provides information and notes that legal will update it on a certain date. This does not reveal that the information supplied was from legal or was legal advice, and it clearly does not disclose future updates. Second redaction denied except for portion in brackets.

BOX\_NUM : 3  
FOLDERNO : 7

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BATES\_RANGE : MRK-AAZ0007218-MRK-AAZ0007218  
ATTACHMENTS : Attaching MRK-AAZ0007223-MRK-AAZ0007245 Attaching MRK-AAZ0007221-MRK-AAZ0007221  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 02/26/02  
AUTHOR : Grosser, Karen  
RECIPIENT : Lahner, Joanne\*; Reicin, Alise S.; Gertz, Barry J. cc: Reed, Pamela R.; Inoa-Gonzalez, Carmen; Curtis, Sean P.; Simon, Thomas J.; DiBattiste, Peter M.; Demopoulos, Laura A.  
DESCRIPTION : E-mail reflecting a request for legal advice and opinions regarding internal presentation of epi study.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED  
SM\_REC\_EXPL : Sent to both lawyers and non-lawyers for comment. Not primarily for legal advice.  
BOX\_NUM : 3  
FOLDERNO : 8

Document 171 of 501

BATES\_RANGE : MRK-AAZ0007221-MRK-AAZ0007221  
ATTACHMENTS : Attached to MRK-AAZ0007218-MRK-AAZ0007218  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 02/27/02  
AUTHOR : Grosser, Karen  
RECIPIENT : Lahner, Joanne\*; Reicin, Alise S.; Gertz, Barry J. cc: Reed, Pamela R.; Inoa-Gonzalez, Carmen; Curtis, Sean P.; Simon, Thomas J.; DiBattiste, Peter M.; Demopoulos, Laura A.  
DESCRIPTION : Draft HHPAC presentation slide which is subject of request for Lahner, Joanne's\* comments and approval.  
W\_HELD\_REDAC : Entire document.

Special Master Recommended Ruling - PSC "600"

SM\_REC : GRANTED IN PART; DENIED IN PART  
SM\_REC\_EXPL : Attachment to a mixed purpose communication is not privileged but the attached comments of a lawyer may be redacted before production.  
BOX\_NUM : 3  
FOLDERNO : 8

Document 172 of 501

BATES\_RANGE : MRK-AAZ0007223-MRK-AAZ0007245  
ATTACHMENTS : Attached to MRK-AAZ0007218-MRK-AAZ0007218  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 02/27/02  
AUTHOR : Grosser, Karen  
RECIPIENT : Lahner, Joanne\*; Reicin, Alise S.; Gertz, Barry J. cc: Reed, Pamela R.; Inoa-Gonzalez, Carmen; Curtis, Sean P.; Simon, Thomas J.; DiBattiste, Peter M.; Demopoulos, Laura A.  
DESCRIPTION : Draft presentation sent to Lahner, Joanne\* for legal advice and opinions regarding study issues.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART; DENIED IN PART  
SM\_REC\_EXPL : Attachment to a mixed purpose communication is not privileged but the attached comments of a lawyer may be redacted before production.

BOX\_NUM : 3  
FOLDERNO : 8

Document 173 of 501

BATES\_RANGE : MRK-ABK0014891-MRK-ABK0014892  
ATTACHMENTS : Attaching MRK-ABK0014893-MRK-ABK0014899  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 10/08/01  
AUTHOR : Truitt, Ken E.  
RECIPIENT : Quinlan, Michael D.\* cc: Reicin, Alise S.  
DESCRIPTION : E-mail reflecting legal advice and opinions regarding public relations issues.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED  
SM\_REC\_EXPL : First message not sent to a lawyer - DENIED. It is not revealed how first non-privileged message was attached to a confidential communication to Quinlan.  
Quinlan's message sending the first message to others for review and comment is not shown to be necessary for Quinlan's advice as opposed to a circulation in the normal course of business. Additionally, one of the addressees, Kenneth F. Pruitt, is not identified or on the list of corporate employees.  
Message from Quinlan about wrong address is not legal.  
Responsive communication from Truitt is not privileged because of deficiency in first Quinlan message.

BOX\_NUM : 3  
FOLDERNO : 8

Document 174 of 501

BATES\_RANGE : MRK-ABK0014893-MRK-ABK0014899  
ATTACHMENTS : Attached to MRK-ABK0014891-MRK-ABK0014892  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 10/08/01  
AUTHOR : Truitt, Ken E.  
RECIPIENT : Quinlan, Michael D.\* cc: Reicin, Alise S.  
DESCRIPTION : Draft standby statement reflecting a request for, and provision of, legal advice and opinions as it more specifically relates to CV issues.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED  
SM\_REC\_EXPL : Attachment to a non-privileged communication is not privileged and comments on the

attachment are those of a non-lawyer.

BOX\_NUM : 3  
FOLDERNO : 8

Document 175 of 501

BATES\_RANGE : MRK-ABK0157957-MRK-ABK0157958  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 03/07/02  
AUTHOR : Braunstein, Ned S.  
RECIPIENT : Truitt, Ken E.; Connors, Laurine G.; Silverman, Robert E. cc: Reicin, Alise S.; Shapiro, Deborah R.  
DESCRIPTION : E-mail reflecting legal advice and opinions of Lahner, Joanne\* regarding Vioxx CIB.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : DENIED  
SM\_REC\_EXPL : First redaction reveals no legal advice. Second redaction reveals that Regulatory Mgt and Lahner had input into a decision. This does not make the decision privileged because the message did not reveal the legal advice received.

BOX\_NUM : 3  
FOLDERNO : 7

Document 176 of 501

BATES\_RANGE : MRK-ABK0163446-MRK-ABK0163447  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 03/07/02  
AUTHOR : Braunstein, Ned S.  
RECIPIENT : Truitt, Ken E.; Connors, Laurine G.; Silverman, Robert E. cc: Reicin, Alise S.; Shapiro, Deborah R.  
DESCRIPTION : E-mail reflecting legal advice and opinions of Lahner, Joanne\* regarding Vioxx CIB.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : DENIED  
SM\_REC\_EXPL : First redaction reveals no legal advice. Second redaction reveals that Regulatory Mgt and Lahner had input into a decision. This does not make the decision privileged because the message did not reveal the legal advice received.

BOX\_NUM : 3  
FOLDERNO : 7

Document 177 of 501

BATES\_RANGE : MRK-ABK0174007-MRK-ABK0174008  
ATTACHMENTS : Attaching MRK-ABK0174009-MRK-ABK0174015  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 10/08/01  
AUTHOR : Truitt, Ken E.  
RECIPIENT : Quinlan, Michael D.\* cc: Reicin, Alise S.  
DESCRIPTION : E-mail reflecting request for legal advice and opinions regarding Q&A internal response document.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED  
SM\_REC\_EXPL : First message not sent to a lawyer - DENIED. It is not revealed how first non-privileged message was attached to a confidential communication to Quinlan.  
Quinlan's message sending the first message to others for review and comment is not shown to be necessary for Quinlan's advice as opposed to a circulation in the normal course of business. Additionally, one of the addressees, Kenneth F. Pruitt, is not identified or on the list of corporate employees.  
Message from Quinlan about wrong address is not legal.  
Responsive communication from Truitt is not privileged because of deficiency in first Quinlan

message.

BOX\_NUM : 3  
FOLDERNO : 8

Document 178 of 501

BATES\_RANGE : MRK-ABK0174009-MRK-ABK0174015  
ATTACHMENTS : Attached to MRK-ABK0174007-MRK-ABK0174008  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 10/08/01  
AUTHOR : Truitt, Ken E.  
RECIPIENT : Quinlan, Michael D.\* cc: Reicin, Alise S.  
DESCRIPTION : Draft standby statement reflecting a request for, and provision of, legal advice and opinions as it more specifically relates to CV issues.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED  
SM\_REC\_EXPL : Attachment to a non-privileged communication is not privileged and comments on the attachment are those of a non-lawyer.

BOX\_NUM : 3  
FOLDERNO : 8

Document 179 of 501

BATES\_RANGE : MRK-ABK0220565-MRK-ABK0220566  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 03/07/02  
AUTHOR : Braunstein, Ned S.  
RECIPIENT : Truitt, Ken E.; Connors, Laurine G.; Silverman, Robert E. cc: Reicin, Alise S.; Shapiro, Deborah R.  
DESCRIPTION : E-mail reflecting legal advice and opinions of Lahner, Joanne\* regarding Vioxx CIB.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : DENIED  
SM\_REC\_EXPL : First redaction reveals no legal advice. Second redaction reveals that Regulatory Mgt and Lahner had input into a decision. This does not make the decision privileged because the message did not reveal the legal advice received.

BOX\_NUM : 3  
FOLDERNO : 7

Document 180 of 501

BATES\_RANGE : MRK-ABK0246791-MRK-ABK0246792  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 03/07/02  
AUTHOR : Braunstein, Ned S.  
RECIPIENT : Truitt, Ken E.; Connors, Laurine G.; Silverman, Robert E. cc: Reicin, Alise S.; Shapiro, Deborah R.  
DESCRIPTION : E-mail reflecting a request for legal advice and opinions of Lahner, Joanne\* regarding update of Vioxx CIB.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : DENIED  
SM\_REC\_EXPL : First redaction reveals no legal advice. Second redaction reveals that Regulatory Mgt and Lahner had input into a decision. This does not make the decision privileged because the message did not reveal the legal advice received.

BOX\_NUM : 3  
FOLDERNO : 7

Special Master Recommended Ruling - PSC "600"

Document 181 of 501

BATES\_RANGE : MRK-ABS0348989-MRK-ABS0348989  
ATTACHMENTS : Attaching MRK-ABS0348994-MRK-ABS0349016 Attaching MRK-ABS0348992-MRK-ABS0348992  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 02/26/02  
AUTHOR : Grosser, Karen  
RECIPIENT : Lahner, Joanne M.\*; Reicin, Alise S.; Gertz, Barry J. cc: Reed, Pamela R.; Inoa-Gonzalez, Carmen; Curtis, Sean P.; Simon, Thomas J.; DiBattiste, Peter M.; Demopoulos, Laura A.  
DESCRIPTION : E-mail reflecting a request for legal advice and opinions regarding presentation slides for study design.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED  
SM\_REC\_EXPL : Sent to both lawyers and non-lawyers for comment. Not primarily for legal advice.  
BOX\_NUM : 3  
FOLDERNO : 8

Document 182 of 501

BATES\_RANGE : MRK-ABS0348992-MRK-ABS0348992  
ATTACHMENTS : Attached to MRK-ABS0348989-MRK-ABS0348989  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 02/26/02  
AUTHOR : Grosser, Karen  
RECIPIENT : Lahner, Joanne M.\*; Reicin, Alise S.; Gertz, Barry J. cc: Reed, Pamela R.; Inoa-Gonzalez, Carmen; Curtis, Sean P.; Simon, Thomas J.; DiBattiste, Peter M.; Demopoulos, Laura A.  
DESCRIPTION : Draft presentation reflecting client confidences and a request for legal advice and opinions regarding study design.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART; DENIED IN PART  
SM\_REC\_EXPL : Attachment to a mixed purpose communication is not privileged but the attached comments of a lawyer may be redacted before production.  
BOX\_NUM : 3  
FOLDERNO : 8

Document 183 of 501

BATES\_RANGE : MRK-ABS0348994-MRK-ABS0349016  
ATTACHMENTS : Attached to MRK-ABS0348989-MRK-ABS0348989  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 02/27/02  
AUTHOR : Grosser, Karen  
RECIPIENT : Lahner, Joanne M.\*; Reicin, Alise S.; Gertz, Barry J. cc: Reed, Pamela R.; Inoa-Gonzalez, Carmen; Curtis, Sean P.; Simon, Thomas J.; DiBattiste, Peter M.; Demopoulos, Laura A.  
DESCRIPTION : Draft presentation reflecting client confidences and a request for legal advice and opinions regarding study design.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART; DENIED IN PART  
SM\_REC\_EXPL : Attachment to a mixed purpose communication is not privileged but the attached comments of a lawyer may be redacted before production.  
BOX\_NUM : 3  
FOLDERNO : 8

Document 184 of 501

BATES\_RANGE : MRK-ABW0005502-MRK-ABW0005502  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 09/24/01  
AUTHOR : Silverman, Robert E.  
RECIPIENT : Goldmann, Bonnie J.; Blois, David W.; Greene, Douglas Alan; Gertz, Barry J.; Truitt, Ken E.;

Special Master Recommended Ruling - PSC "600"

Braunstein, Ned S.; Brokopp, Hanne; Defusco, Christa L.; Eader, Lou Ann; Erb, Dennis M.; Huang, Philip Lin; Leshner, Michelle Domingo; Loran, Bea; Mussen, Filip; Preuveneers, Geert; Simpson, Sandra L.; White-Guay, Brian cc: Lahner, Joanne\*; Dixon, Wendy L.

DESCRIPTION : E-mail reflecting legal advice and opinions regarding FDA warning letter.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : GRANTED  
SM\_REC\_EXPL : Granted as redacted.

BOX\_NUM : 3  
FOLDERNO : 7

Document 185 of 501

BATES\_RANGE : MRK-ABW0008752-MRK-ABW0008752  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 09/24/01  
AUTHOR : Silverman, Robert E.  
RECIPIENT : Goldman, Bonnie J.; Blois, David W.; Greene, Douglas Alan; Gertz, Barry J.; Truitt, Ken E.; Braunstein, Ned S.; Brokopp, Hanne; Defusco, Christa L.; Eader, Lou Ann; Erb, Dennis M.; Huang, Philip Lin; Leshner, Michelle Domingo; Loran, Bea; Mussen, Filip; Preuveneers, Geert; Simpson, Sandra L.; White-Guay, Brian cc: Lahner, Joanne\*; Dixon, Wendy L.

DESCRIPTION : E-mail reflecting legal advice and opinions regarding FDA warning letter.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : GRANTED  
SM\_REC\_EXPL : Granted as redacted.

BOX\_NUM : 3  
FOLDERNO : 7

Document 186 of 501

BATES\_RANGE : MRK-ABW0011611-MRK-ABW0011611  
SM\_REC : GRANTED  
SM\_REC\_EXPL : Granted as redacted.

BOX\_NUM : 3  
FOLDERNO : 7

Document 187 of 501

BATES\_RANGE : MRK-ACD0037150-MRK-ACD0037151  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 03/07/02  
AUTHOR : Braunstein, Ned S.  
RECIPIENT : Truitt, Ken E.; Connors, Laurine G.; Silverman, Robert E. cc: Reicin, Alise S.; Shapiro, Deborah R.  
DESCRIPTION : E-mail reflecting legal advice and opinions of Lahner, Joanne\* regarding Vioxx CIB.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : DENIED  
SM\_REC\_EXPL : First redaction reveals no legal advice. Second redaction reveals that Regulatory Mgt and Lahner had input into a decision. This does not make the decision privileged because the message did not reveal the legal advice received.

BOX\_NUM : 3  
FOLDERNO : 7

Document 188 of 501

BATES\_RANGE : MRK-ACI0007893-MRK-ACI0007893  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 05/19/00  
AUTHOR : Weiner, Jan D.  
RECIPIENT : Barr, Eliav; Lahner, Joanne\*; Westrick, Ellen R.

Special Master Recommended Ruling - PSC "600"

DESCRIPTION : E-mail reflecting a request for legal advice and opinions regarding revised CV issues.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED  
SM\_REC\_EXPL : Message sent to several and a lawyer was one. Not primarily for legal advice.  
BOX\_NUM : 3  
FOLDERNO : 7

Document 189 of 501

BATES\_RANGE : MRK-ACR0002574-MRK-ACR0002575  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 09/24/01  
AUTHOR : Gertz, Barry J., incorporating e-mail to Lahner, Joanne\*  
RECIPIENT : Greene, Douglas Alan  
DESCRIPTION : E-mail reflecting legal advice and opinions regarding FDA Warning letter.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : GRANTED  
SM\_REC\_EXPL : Granted as redacted.

BOX\_NUM : 3  
FOLDERNO : 7

Document 190 of 501

BATES\_RANGE : MRK-ACR0015540-MRK-ACR0015540  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 09/24/01  
AUTHOR : Silverman, Robert E.  
RECIPIENT : Goldmann, Bonnie J.; Blois, David W.; Greene, Douglas Alan; Gertz, Barry J.; Truitt, Ken E.;  
Braunstein, Ned S.; Brokopp, Hanne; Defusco, Christa L.; Eader, Lou Ann; Erb, Dennis M.; Huang,  
Philip Lin; Leshner, Michelle Domingo; Loran, Bea; Mussen, Filip; Preuveneers, Geert; Simpson,  
Sandra L.; White-Guay, Brian cc: Lahner, Joanne\*; Dixon, Wendy L.  
DESCRIPTION : E-mail reflecting legal advice regarding approach to warning letter from FDA.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : GRANTED  
SM\_REC\_EXPL : Granted as redacted.

BOX\_NUM : 3  
FOLDERNO : 7

Document 191 of 501

BATES\_RANGE : MRK-ADW0005166-MRK-ADW0005167  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 03/19/01  
AUTHOR : Cannell, Thomas R.  
RECIPIENT : Lahner, Joanne\*; Reicin, Alise S.; Silverman, Robert E. cc: Beauchard, Lucine E.; Dixon, Wendy L.  
DESCRIPTION : Memorandum reflecting a request for approval from Lahner, Joanne\* regarding distribution of  
VIGOR background training materials.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED  
SM\_REC\_EXPL : Message sent to both lawyers and non-lawyers. Not primarily for legal advice or assistance.  
BOX\_NUM : 3  
FOLDERNO : 7

Document 192 of 501

BATES\_RANGE : MRK-AFV0072459-MRK-AFV0072459  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 09/24/01  
AUTHOR : Silverman, Robert E.  
RECIPIENT : Goldmann, Bonnie J.; Blois, David W.; Greene, Douglas Alan; Gertz, Barry J.; Truitt, Ken E.;

Special Master Recommended Ruling - PSC "600"

Braunstein, Ned S.; Brokopp, Hanne; Defusco, Christa L.; Eader, Lou Ann; Erb, Dennis M.; Huang, Philip Lin; Leshner, Michelle Domingo; Loran, Bea; Mussen, Filip; Preuveneers, Geert; Simpson, Sandra L.; White-Guay, Brian cc: Lahner, Joanne\*; Dixon, Wendy L.

DESCRIPTION : E-mail reflecting legal advice regarding approach to warning letter from FDA.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : GRANTED  
SM\_REC\_EXPL : Granted as redacted.  
BOX\_NUM : 3  
FOLDERNO : 7

Document 193 of 501

BATES\_RANGE : MRK-AFV0231148-MRK-AFV0231149  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 03/07/02  
AUTHOR : Truitt, Ken E.  
RECIPIENT : Braunstein, Ned S.; Connors, Laurine G.; Silverman, Robert E. cc: Reicin, Alise S.  
DESCRIPTION : E-mail reflecting legal advice and opinions of Lahner, Joanne\* regarding Vioxx CIB.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : DENIED  
SM\_REC\_EXPL : First redaction reveals no legal advice. Second redaction reveals that Regulatory Mgt and Lahner had input into a decision. This does not make the decision privileged because the message did not reveal the legal advice received.  
  
BOX\_NUM : 3  
FOLDERNO : 7

Document 194 of 501

BATES\_RANGE : MRK-AFV0231167-MRK-AFV0231169  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 03/08/02  
AUTHOR : Reicin, Alise S.  
RECIPIENT : Shapiro, Deborah R.; Braunstein, Ned S.; Truitt, Ken E.; Connors, Laurine G.; Silverman, Robert E.  
DESCRIPTION : E-mail reflecting legal advice and opinions of Lahner, Joanne\* regarding update of Vioxx CIB.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : DENIED  
SM\_REC\_EXPL : First redaction reveals no legal advice.  
Second redaction reveals that Regulatory Mgt and Lahner had input into a decision. This does not make the decision privileged because the message did not reveal the legal advice received.  
  
BOX\_NUM : 3  
FOLDERNO : 7

Document 195 of 501

BATES\_RANGE : MRK-AFV0231170-MRK-AFV0231172  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 03/08/02  
AUTHOR : Shapiro, Deborah R.  
RECIPIENT : Reicin, Alise S.; Braunstein, Ned S.; Truitt, Ken E.; Connors, Laurine G.; Silverman, Robert E.  
DESCRIPTION : E-mail reflecting legal advice and opinions of Lahner, Joanne\* regarding update of Vioxx CIB.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : DENIED  
SM\_REC\_EXPL : First redaction reveals no legal advice.  
Second redaction reveals that Regulatory Mgt and Lahner had input into a decision. This does not make the decision privileged because the message did not reveal the legal advice received.  
  
BOX\_NUM : 3  
FOLDERNO : 7

Special Master Recommended Ruling - PSC "600"

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BATES\_RANGE : MRK-AFV0260630-MRK-AFV0260631  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 03/07/02  
AUTHOR : Braunstein, Ned S.  
RECIPIENT : Truitt, Ken E.; Connors, Laurine G.; Silverman, Robert E. cc: Reicin, Alise S.; Shapiro, Deborah R.  
DESCRIPTION : E-mail reflecting a request for legal advice and opinions of Lahner, Joanne\* regarding update of Vioxx CIB.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : DENIED  
SM\_REC\_EXPL : First redaction reveals no legal advice. Second redaction reveals that Regulatory Mgt and Lahner had input into a decision. This does not make the decision privileged because the message did not reveal the legal advice received.  
  
BOX\_NUM : 3  
FOLDERNO : 7

Document 197 of 501

BATES\_RANGE : MRK-AGB0001802-MRK-AGB0001832  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 05/17/00  
AUTHOR : Margiatto, Gaye M.  
RECIPIENT : Perlmutter, Roger cc: Rose, Deneen; Daniels, Brian F.; Kylish, Gregory S.; Harper, Sean E.; McKines, Charlotte O.; Reicin, Alise S.  
DESCRIPTION : Draft internal document reflecting a request for legal advice and opinions regarding label changes.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : DENIED  
SM\_REC\_EXPL : Redaction does not reveal legal advice.  
BOX\_NUM : 3  
FOLDERNO : 7

Document 198 of 501

BATES\_RANGE : MRK-AHR0079383-MRK-AHR0079383  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 09/24/01  
AUTHOR : Silverman, Robert E. incorporating e-mail to Lahner, Joanne\* and Henshall, Ronald S.\*  
RECIPIENT : Goldman, Bonnie J.; Blois, David W.; Greene, Douglas Alan; Gertz, Barry J.; Truitt, Ken E.; Braunstein, Ned S.; Brokopp, Hanne; Defusco, Christa L.; Eader, Lou Ann; Erb, Dennis M. and others cc: Lahner, Joanne\*; Dixon, Wendy L.  
DESCRIPTION : E-mail reflecting a request for legal advice and opinions regarding responses to FDA warning letter.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : GRANTED  
SM\_REC\_EXPL : Granted as redacted.  
BOX\_NUM : 3  
FOLDERNO : 7

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BATES\_RANGE : MRK-AHR0081983-MRK-AHR0081984  
ATTACHMENTS : Attaching MRK-AHR0081985-MRK-AHR0081985  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 02/07/02  
AUTHOR : Lines, Christopher, incorporating email from Lahner, Joanne\* to OSTIC Correspondence  
RECIPIENT : OSTIC Correspondence cc: Lahner, Joanne\*; Reicin, Alise S.; Truitt, Ken E.  
DESCRIPTION : E-mail reflecting legal advice and opinions regarding study manuscript to be presented at APLAR.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : GRANTED IN PART; DENIED IN PART  
SM\_REC\_EXPL : Whole e-mail thread is not listed on the privilege log. First redaction on p. 81983 - GRANTED.

Special Master Recommended Ruling - PSC "600"

Second redaction on p. 81984 - DENIED.

BOX\_NUM : 3  
FOLDERNO : 8

Document 200 of 501

BATES\_RANGE : MRK-AHR0081985-MRK-AHR0081985  
ATTACHMENTS : Attached to MRK-AHR0081983-MRK-AHR0081984  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 02/07/02  
AUTHOR : Lines, Christopher  
RECIPIENT : OSTIC Correspondence cc: Lahner, Joanne\*; Reicin, Alise S.; Truitt, Ken E.  
DESCRIPTION : Document reflecting request for legal advice and opinions regarding Reicin abstract.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED  
SM\_REC\_EXPL : Attachment to a non-privileged communication is not privileged.  
BOX\_NUM : 3  
FOLDERNO : 8

Document 201 of 501

BATES\_RANGE : MRK-AHR0082577-MRK-AHR0082578  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 03/07/02  
AUTHOR : Braunstein, Ned S.  
RECIPIENT : Truitt, Ken E.; Connors, Laurine G.; Silverman, Robert E. cc: Reicin, Alise S.; Shapiro, Deborah R.  
DESCRIPTION : E-mail reflecting legal advice and opinions of Lahner, Joanne\* regarding Vioxx CIB.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : DENIED  
SM\_REC\_EXPL : First redaction reveals no legal advice. Second redaction reveals that Regulatory Mgt and Lahner had input into a decision. This does not make the decision privileged because the message did not reveal the legal advice received.

BOX\_NUM : 3  
FOLDERNO : 7

Document 202 of 501

BATES\_RANGE : MRK-AHR0082677-MRK-AHR0082679  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 03/07/02  
AUTHOR : Braunstein, Ned S.  
RECIPIENT : Shapiro, Deborah R.; Truitt, Ken E.; Connors, Laurine G.; Silverman, Robert E. cc: Reicin, Alise S.  
DESCRIPTION : E-mail reflecting legal advice and opinions from Lahner, Joanne\* regarding updating the Vioxx CIB.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : DENIED  
SM\_REC\_EXPL : First redaction reveals no legal advice.  
Second redaction reveals that Regulatory Mgt and Lahner had input into a decision. This does not make the decision privileged because the message did not reveal the legal advice received.

BOX\_NUM : 3  
FOLDERNO : 7

Document 203 of 501

BATES\_RANGE : MRK-AHR0084850-MRK-AHR0084851  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 03/07/02  
AUTHOR : Truitt, Ken E.  
RECIPIENT : Braunstein, Ned S.; Connors, Laurine G.; Silverman, Robert E. cc: Reicin, Alise S.  
DESCRIPTION : E-mail reflecting legal advice and opinions of Lahner, Joanne\* regarding VIOXX labeling.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : DENIED

Special Master Recommended Ruling - PSC "600"

SM\_REC\_EXPL : First redaction reveals no legal advice. Second redaction reveals that Regulatory Mgt and Lahner had input into a decision. This does not make the decision privileged because the message did not reveal the legal advice received.

BOX\_NUM : 3  
FOLDERNO : 7

Document 204 of 501

BATES\_RANGE : MRK-AIP0003672-MRK-AIP0003677  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 08/04/00  
AUTHOR : Lahner, Joanne\*  
RECIPIENT : Oppenheimer, Leonard; Brakewood, E.B.; Morrison, Briggs; Vignau, Steven R.; Eader, Lou Ann; Braunstein, Ned S.; Melian, Agustin; Harper, Sean E. cc: Stejbach, Mark; Geba, Greg; Gertz, Barry J.; Truitt, Ken; Ng, Jennifer; plus others from distribution list.

DESCRIPTION : E-mail reflecting legal advice and opinions regarding promotional, FDA regulations and Indocin Ank Spond Study issues.

W\_HELD\_REDAC : Entire document.

SM\_REC : GRANTED IN PART; DENIED IN PART

SM\_REC\_EXPL : Whole e-mail thread is not listed on the privilege log. Last message from Lahner - Granted. Remainder of e-mail thread - Denied. Message either not sent to a lawyer (legal advice was not sought), or was sent to a lawyer and many others (not primarily seeking legal advice).

BOX\_NUM : 3  
FOLDERNO : 7

Document 205 of 501

BATES\_RANGE : MRK-AIR0009317-MRK-AIR0009317  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 12/06/00  
AUTHOR : Bolognese, James  
RECIPIENT : Lahner, Joanne\*; Straus, Walter L. cc: Morrison, Alan  
DESCRIPTION : E-mail reflecting a request for legal advice and opinions regarding manuscript review.

W\_HELD\_REDAC : Entire document.

SM\_REC : GRANTED

BOX\_NUM : 3  
FOLDERNO : 8

Document 206 of 501

BATES\_RANGE : MRK-AIR0009318-MRK-AIR0009318  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 12/06/00  
AUTHOR : Lahner, Joanne\*  
RECIPIENT : Bolognese, James; Straus, Walter L. cc: Morrison, Alan  
DESCRIPTION : E-mail reflecting a request for legal advice and opinions regarding manuscript review.

W\_HELD\_REDAC : Entire document.

SM\_REC : GRANTED

BOX\_NUM : 3  
FOLDERNO : 8

Document 207 of 501

BATES\_RANGE : MRK-AKU0001745-MRK-AKU0001745  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 09/24/01  
AUTHOR : Silverman, Robert E.  
RECIPIENT : Goldman, Bonnie J.; Blois, David W.; Greene, Douglas Alan; Gertz, Barry J.; Truitt, Ken E.; Braunstein, Ned S.; Brokopp, Hanne; Defusco, Christa L.; Eader, Lou Ann; Erb, Dennis M.; plus

Special Master Recommended Ruling - PSC "600"

others from distribution list cc: Lahner, Joanne\*  
DESCRIPTION : E-mail reflecting legal advice and opinions regarding Merck response to FDA warning letter.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : GRANTED  
SM\_REC\_EXPL : Granted as redacted.  
BOX\_NUM : 3  
FOLDERNO : 7

Document 208 of 501

BATES\_RANGE : MRK-AKU0007229-MRK-AKU0007230  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 11/02/01  
AUTHOR : Reicin, Alise S.  
RECIPIENT : Lahner, Joanne\*  
DESCRIPTION : E-mail reflecting a request for legal advice and opinions regarding draft medical letter.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 3  
FOLDERNO : 7

Document 209 of 501

BATES\_RANGE : MRK-AKU0014766-MRK-AKU0014767  
ATTACHMENTS : Attaching MRK-AKU0014768-MRK-AKU0014768  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 02/07/02  
AUTHOR : Lines, Christopher; incorporating an e-mail to Panzer, Curtis C.\*  
RECIPIENT : OSTIC Correspondence cc: Lahner, Joanne\*; Reicin, Alise S.; Truitt, Ken E.  
DESCRIPTION : E-mail reflecting a request for legal advice and opinions regarding draft manuscript on the cv effects of rofecoxib in elderly patients.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : GRANTED IN PART; DENIED IN PART  
SM\_REC\_EXPL : Whole e-mail thread is not listed on the privilege log. First redaction on p. 14766 - GRANTED. Second redaction on p. 14767 - DENIED. Unclear how legal advice sought or given as revealed in this redaction.  
BOX\_NUM : 3  
FOLDERNO : 8

Document 210 of 501

BATES\_RANGE : MRK-AKU0014768-MRK-AKU0014768  
ATTACHMENTS : Attached to MRK-AKU0014766-MRK-AKU0014767  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 02/07/02  
AUTHOR : Lines, Christopher; incorporating an e-mail to Panzer, Curtis C.\*  
RECIPIENT : OSTIC Correspondence cc: Lahner, Joanne\*; Reicin, Alise S.; Truitt, Ken E.  
DESCRIPTION : Draft manuscript reflecting a request for legal advice and opinions regarding the cv effects of rofecoxib in elderly patients.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED  
SM\_REC\_EXPL : Attachment to a non privileged communication is not privileged.  
BOX\_NUM : 3  
FOLDERNO : 8

Document 211 of 501

BATES\_RANGE : MRK-AKU0014769-MRK-AKU0014770  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 02/07/02  
AUTHOR : Truitt, Ken E.; incorporating an e-mail to Panzer, Curtis C.\*  
RECIPIENT : Lines, Christopher; OSTIC Correspondence cc: Lahner, Joanne\*; Reicin, Alise S.

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DESCRIPTION : E-mail reflecting a request for legal advice and opinions regarding draft manuscript on the cv effects of rofecoxib in elderly patients.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : GRANTED IN PART; DENIED IN PART  
SM\_REC\_EXPL : First redaction on p. 14769 - GRANTED. Second redaction on p. 14770 - DENIED. Unclear how legal advice sought or given as revealed in this redaction.  
BOX\_NUM : 3  
FOLDERNO : 8

Document 212 of 501

BATES\_RANGE : MRK-AKU0016699-MRK-AKU0016699  
ATTACHMENTS : Attaching MRK-AKU0016700-MRK-AKU0016711 Attaching MRK-AKU0016713-MRK-AKU0016713 Attaching MRK-AKU0016715-MRK-AKU0016737  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 02/26/02  
AUTHOR : Grosser, Karen  
RECIPIENT : Lahner, Joanne\*; Reicin, Alise S.; Gertz, Barry J. cc: Reed, Pamela R.; Inoa-Gonzalez, Carmen; Curtis, Sean P.; Simon, Thomas J.; DiBattiste, Peter M.; Demopoulos, Laura A.  
DESCRIPTION : E-mail reflecting a request for legal advice and opinions regarding draft PAC slides.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED  
SM\_REC\_EXPL : Sent to both lawyers and non-lawyers for comment. Not primarily concerned with obtaining legal advice.  
BOX\_NUM : 3  
FOLDERNO : 8

Document 213 of 501

BATES\_RANGE : MRK-AKU0016700-MRK-AKU0016711  
SM\_REC : GRANTED IN PART; DENIED IN PART  
SM\_REC\_EXPL : Attachment to a mixed purpose communication is not privileged but the attached comments of a lawyer may be redacted before production.  
BOX\_NUM : 3  
FOLDERNO : 8

Document 214 of 501

BATES\_RANGE : MRK-AKU0016713-MRK-AKU0016713  
SM\_REC : GRANTED IN PART; DENIED IN PART  
SM\_REC\_EXPL : Attachment to a mixed purpose communication is not privileged but the attached comments of a lawyer may be redacted before production.  
BOX\_NUM : 3  
FOLDERNO : 8

Document 215 of 501

BATES\_RANGE : MRK-AKU0016715-MRK-AKU0016737  
ATTACHMENTS : Attached to MRK-AKU0016699-MRK-AKU0016699  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 02/26/02  
AUTHOR : Grosser, Karen  
RECIPIENT : Lahner, Joanne\*; Reicin, Alise S.; Gertz, Barry J. cc: Reed, Pamela R.; Inoa-Gonzalez, Carmen; Curtis, Sean P.; Simon, Thomas J.; DiBattiste, Peter M.; Demopoulos, Laura A.  
DESCRIPTION : Draft PAC slides reflecting a request for legal advice and opinions regarding aspirin study.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART; DENIED IN PART

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SM\_REC\_EXPL : Attachment to a mixed purpose communication is not privileged but the attached comments of a lawyer may be redacted before production.

BOX\_NUM : 3  
FOLDERNO : 8

Document 216 of 501

BATES\_RANGE : MRK-AKU0021148-MRK-AKU0021148  
ATTACHMENTS : Attaching MRK-AKU0021149-MRK-AKU0021151  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/11/02  
AUTHOR : Reicin, Alise S.  
RECIPIENT : Lahner, Joanne\*; Simpson, Sandra L.; Blois, David W.; Gertz, Barry J.; Greene, Douglas Alan; Kornowski, Sophie; Schechter, Adam H.

DESCRIPTION : E-mail reflecting a request for legal advice and opinions regarding draft letter to healthcare providers.

W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED  
SM\_REC\_EXPL : Message sent to many for review. Not primarily for legal assistance.  
BOX\_NUM : 3  
FOLDERNO : 8

Document 217 of 501

BATES\_RANGE : MRK-AKU0021149-MRK-AKU0021151  
ATTACHMENTS : Attached to MRK-AKU0021148-MRK-AKU0021148  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/11/02  
AUTHOR : Reicin, Alise S.  
RECIPIENT : Lahner, Joanne\*; Simpson, Sandra L.; Blois, David W.; Gertz, Barry J.; Greene, Douglas Alan; Kornowski, Sophie; Schechter, Adam H.

DESCRIPTION : Draft Healthcare Provider letter reflecting a request for legal advice and opinions regarding VIGOR study.

W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED  
SM\_REC\_EXPL : Attachment to a mixed purpose communication is not privileged. The comments on the attachment are also not privileged because they have not been identified.

BOX\_NUM : 3  
FOLDERNO : 8

Document 218 of 501

BATES\_RANGE : MRK-AKU0021157-MRK-AKU0021157  
ATTACHMENTS : Attaching MRK-AKU0021158-MRK-AKU0021160  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/11/02  
AUTHOR : Simpson, Sandra L.  
RECIPIENT : Lahner, Joanne\*; Blois, David W. cc: Berwick, Gerry Joy\*; Gertz, Barry J.; Reicin, Alise S.; Greene, Douglas Alan; Ruef, Tim F.; Kornowski, Sophie; plus others from distribution list

DESCRIPTION : E-mail reflecting a request for legal advice and opinions regarding draft letter to health care providers.

W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED  
SM\_REC\_EXPL : Whole e-mail thread is not listed on the privilege log.  
First message sent to many for comment. Not primarily for legal assistance.  
Second message sent to two (one a lawyer) and copied to many others. Not primarily for legal assistance.

BOX\_NUM : 3  
FOLDERNO : 8

Document 219 of 501

BATES\_RANGE : MRK-AKU0021158-MRK-AKU0021160  
ATTACHMENTS : Attached to MRK-AKU0021157-MRK-AKU0021157  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/11/02  
AUTHOR : Simpson, Sandra L.  
RECIPIENT : Lahner, Joanne\*; Blois, David W. cc: Berwick, Gerry Joy\*; Gertz, Barry J.; Reicin, Alise S.; Greene, Douglas Alan; Ruef, Tim F.; Kornowski, Sophie; plus others from distribution list  
DESCRIPTION : Draft Healthcare Provider letter reflecting a request for legal advice and opinions regarding VIGOR study.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED  
SM\_REC\_EXPL : Attachment to a mixed purpose communication is not a privileged communication. The comments on the attachment have not been identified as having come from Lahner. If established as hers they may be redacted before production.

BOX\_NUM : 3  
FOLDERNO : 8

Document 220 of 501

BATES\_RANGE : MRK-AKU0030024-MRK-AKU0030024  
ATTACHMENTS : Attaching MRK-AKU0030025-MRK-AKU0030025  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 10/21/01  
AUTHOR : Lahner, Joanne\*  
RECIPIENT : Reicin, Alise S.  
DESCRIPTION : E-mail reflecting legal advice and opinions regarding draft chronology of events.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 3  
FOLDERNO : 7

Document 221 of 501

BATES\_RANGE : MRK-AKU0030025-MRK-AKU0030025  
ATTACHMENTS : Attached to MRK-AKU0030024-MRK-AKU0030024  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 10/21/01  
AUTHOR : Lahner, Joanne\*  
RECIPIENT : Reicin, Alise S.  
DESCRIPTION : Draft table reflecting legal advice and opinions regarding chronology of key events.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 3  
FOLDERNO : 7

Document 222 of 501

BATES\_RANGE : MRK-AKU0030130-MRK-AKU0030131  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 11/02/01  
AUTHOR : Lahner, Joanne\*  
RECIPIENT : Reicin, Alise S.  
DESCRIPTION : E-mail reflecting legal advice and opinions regarding draft letter in response to Medical Letter.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 3  
FOLDERNO : 7

Document 223 of 501

BATES\_RANGE : MRK-AKU0075086-MRK-AKU0075086  
ATTACHMENTS : Attaching MRK-AKU0075087-MRK-AKU0075107  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 10/23/01  
AUTHOR : Chitty, Dawn  
RECIPIENT : Benezra-Kurshan, Diane; Lahner, Joanne\*; El-Dada, Riad H.; Reicin, Alise S.; Cohn, Judith; Silverman, Robert E.; Simon, Thomas J.; Bold, Thomas M.; Simpson, Sandra L. cc: Casola, Tom M.; Rode, Robert J.; Truitt, Ken E.; Watson, Douglas J.; Braunstein, Ned; plus others from distribution list  
DESCRIPTION : Printed e-mail reflecting a request for legal advice and opinions regarding draft label dealing with VIGOR study.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED  
SM\_REC\_EXPL : Not primarily for legal advice. Lawyer one of many to receive message.  
BOX\_NUM : 3  
FOLDERNO : 7

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BATES\_RANGE : MRK-AKU0075087-MRK-AKU0075107  
ATTACHMENTS : Attached to MRK-AKU0075086-MRK-AKU0075086  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 10/23/01  
AUTHOR : Chitty, Dawn  
RECIPIENT : Benezra-Kurshan, Diane; Lahner, Joanne\*; El-Dada, Riad H.; Reicin, Alise S.; Cohn, Judith; Silverman, Robert E.; Simon, Thomas J.; Bold, Thomas M.; Simpson, Sandra L. cc: Casola, Tom M.; Rode, Robert J.; Truitt, Ken E.; Watson, Douglas J.; Braunstein, Ne  
DESCRIPTION : Draft label reflecting legal advice and opinions regarding study data.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART; DENIED IN PART  
SM\_REC\_EXPL : Attachment to a mixed purpose communication is not privileged, but lawyer's comments may be redacted before production.  
BOX\_NUM : 3  
FOLDERNO : 7

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BATES\_RANGE : MRK-AKU0076258-MRK-AKU0076289  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 02/24/02  
AUTHOR : Chitty, Dawn  
RECIPIENT : Henshall, Ronald S.\*; Lahner, Joanne\*; Benezra-Kurshan, Diane; Bold, Thomas M.; Bolognese, James A.; Cifelli, Sam; El-Dada, Riad H.; Gertz, Barry J.; Goldmann, Bonnie J.; Greene, Douglas Alan; plus others from distribution list cc: Ruppi, Virginia F.; Braunstein, Ned S.; Cohn, Judith  
DESCRIPTION : Draft package circular for Vioxx with handwritten comments of Lahner, Joanne\* reflecting legal advice and opinions regarding proposals from an FDA teleconference.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART; DENIED IN PART  
SM\_REC\_EXPL : As an attachment to a mixed purpose communication, it is not privileged, but the lawyer's comments may be redacted before it is produced.  
BOX\_NUM : 3  
FOLDERNO : 7

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BATES\_RANGE : MRK-AKU0095327-MRK-AKU0095327  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 12/12/00  
AUTHOR : Roberts, Rick

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RECIPIENT : Lahner, Joanne\*; Reicin, Alise S.; Gertz, Barry J.; Silverman, Robert E.; Geba, Greg P.; Dixon, Mary; Beauchard, Lucine E.; Dobbins, Thomas W.; Reiss, Sandra; Rode, Robert J.; El-Dada, Riad H.; Roberts, Rick  
DESCRIPTION : E-mail reflecting a request for legal advice and opinions regarding VACT 2 study.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : DENIED  
SM\_REC\_EXPL : Does not reveal legal advice, and discloses that both a lawyer and a non-lawyer are scheduled to do something. This is mixed in purpose and therefore not privileged.  
BOX\_NUM : 3  
FOLDERNO : 7

Document 227 of 501

BATES\_RANGE : MRK-AQO0098705-MRK-AQO0098705  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 05/25/01  
AUTHOR : Reicin, Alise S.  
RECIPIENT : Mortensen, Eric R. cc: Simon, Thomas; Callegari, Peter E.; Norman, Barbara; Block, Gilbert A.; Loftus, Susan; Truitt, Ken  
DESCRIPTION : Printed e-mail reflecting a request for legal advice and opinions of Lahner, Joanne\* regarding Vioxx press release.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : GRANTED  
SM\_REC\_EXPL : Granted as redacted.  
BOX\_NUM : 3  
FOLDERNO : 8

Document 228 of 501

BATES\_RANGE : MRK-AQO0175406-MRK-AQO0175406  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 05/25/01  
AUTHOR : Mortensen, Eric R.  
RECIPIENT : Truitt, Ken; Reicin, Alise S. cc: Simon, Thomas; Callegari, Peter E.; Norman, Barbara A.; Block, Gilbert A.; Loftus, Susan  
DESCRIPTION : E-mail reflecting a request for the legal advice and opinions of Lahner, Joanne\* regarding Merck press release concerning NYT article on Vioxx.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : GRANTED  
SM\_REC\_EXPL : Granted as redacted.  
BOX\_NUM : 3  
FOLDERNO : 8

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BATES\_RANGE : MRK-AQO0175407-MRK-AQO0175408  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 05/25/01  
AUTHOR : Reicin, Alise S.  
RECIPIENT : Mortensen, Eric R.; Truitt, Ken cc: Norman, Barbara A.; Callegari, Peter E.; Block, Gilbert A.; Loftus, Susan  
DESCRIPTION : E-mail reflecting a request for legal advice and opinions of Lahner, Joanne\* regarding draft Vioxx press release.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : GRANTED  
SM\_REC\_EXPL : Granted as redacted.  
BOX\_NUM : 3  
FOLDERNO : 8

Document 230 of 501

BATES\_RANGE : MRK-AQO0175409-MRK-AQO0175410  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 05/25/01  
AUTHOR : Mortensen, Eric R.  
RECIPIENT : Reicin, Alise S.; Truitt, Ken cc: Norman, Barbara A.\*; Simon, Thomas; Block, Gilbert A.; Callegari, Peter E.; Fanelle, Christine; Loftus, Susan  
DESCRIPTION : E-mail reflecting a request for legal advice and opinions of Lahner, Joanne\* regarding draft Vioxx press release.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : GRANTED  
SM\_REC\_EXPL : Granted as redacted.

BOX\_NUM : 3  
FOLDERNO : 8

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BATES\_RANGE : MRK-AQO0175415-MRK-AQO0175417  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 05/25/01  
AUTHOR : Norman, Barbara A.  
RECIPIENT : Mortensen, Eric R.; Reicin, Alise S.; Truitt, Ken cc: Simon, Thomas; Callegari, Peter E.; Block, Gilbert A.; Fanelle, Christine; Reines, Scott A.  
DESCRIPTION : E-mail reflecting a request for legal advice and opinions of Lahner, Joanne\* regarding draft Vioxx press release.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : GRANTED  
SM\_REC\_EXPL : Granted as redacted.

BOX\_NUM : 3  
FOLDERNO : 8

Document 232 of 501

BATES\_RANGE : MRK-AQO0175438-MRK-AQO0175439  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 05/26/01  
AUTHOR : Reicin, Alise S.  
RECIPIENT : Mortensen, Eric R. cc: Simon, Thomas; Callegari, Peter E.; Norman, Barbara; Loftus, Susan; Block, Gilbert A.; Truitt, Ken  
DESCRIPTION : E-mail reflecting a request for the legal advice and opinions of Lahner, Joanne\* regarding draft Vioxx press release.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : GRANTED  
SM\_REC\_EXPL : Granted as redacted.

BOX\_NUM : 3  
FOLDERNO : 8

Document 233 of 501

BATES\_RANGE : MRK-ARF0132438-MRK-ARF0132444  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 03/09/01  
AUTHOR : Ruef, Tim  
RECIPIENT : Altmeyer, Anne; Malloy, Tracey cc: Grosser, Karen; Roberts, Rick M.; El-Dada, Riad H.; Moan, Andreas; Reicin, Alise S.  
DESCRIPTION : Draft table reflecting legal advice and opinions regarding key issues concerning VIOXX marketing

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and public relations strategies.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : GRANTED IN PART; DENIED IN PART  
SM\_REC\_EXPL : Redaction not privileged as to first part through "01-Oct-01" - Denied. Remainder of redaction -  
Granted.  
BOX\_NUM : 3  
FOLDERNO : 7

Document 234 of 501

BATES\_RANGE : MRK-ARP0053715-MRK-ARP0053715  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 05/25/01  
AUTHOR : Reicin, Alise S.  
RECIPIENT : Mortensen, Eric R. cc: Simon, Thomas; Callegari, Peter E.; Norman, Barbara; Block, Gilbert A.;  
Loftus, Susan; Truitt, Ken  
DESCRIPTION : E-mail reflecting legal advice and opinions of Lahner, Joanne\* regarding draft Vioxx press release.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : GRANTED  
SM\_REC\_EXPL : Granted as redacted.  
BOX\_NUM : 3  
FOLDERNO : 8

Document 235 of 501

BATES\_RANGE : MRK-AVE0002162-MRK-AVE0002163  
ATTACHMENTS : Attaching MRK-AVE0002180-MRK-AVE0002182  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 02/21/01  
AUTHOR : Not Available  
RECIPIENT : Beauchard, Lucine; Braunstein, Ned; El-Dada, Riad; Geba, Gregory; Grosser, Karen; Johnson,  
Patricia; Malloy, Tracey; Moan, Andreas; Reicin, Alise; Ruef, Tim; plus others from distribution list  
cc: Panzer, Curtis C.\*; Altmeyer, Anne; Beskar, Emilie; Bisset, Robert T.\*; Chang, David J.;  
Chapman, J.; plus others from distribution list  
DESCRIPTION : Distribution list reflecting a request for legal advice and opinions of Lahner, Joanne\* regarding  
ADVANTAGE data.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : GRANTED  
SM\_REC\_EXPL : Granted as redacted.  
BOX\_NUM : 3  
FOLDERNO : 7

Document 236 of 501

BATES\_RANGE : MRK-AVE0002180-MRK-AVE0002182  
ATTACHMENTS : Attached to MRK-AVE0002162-MRK-AVE0002163  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 02/21/01  
AUTHOR : Reicin, Alise S.; Sperling, Rhoda  
RECIPIENT : Beauchard, Lucine; Braunstein, Ned; El-Dada, Riad; Geba, Gregory; Grosser, Karen; Johnson,  
Patricia; Malloy, Tracey; Moan, Andreas; Reicin, Alise; Ruef, Tim; plus others from distribution list  
cc: Panzer, Curtis C.\*; Altmeyer, Anne; Beskar, Emilie; Bisset, Robert T.\*; Chang, David J.;  
Chapman, J.; plus others from distribution list  
DESCRIPTION : Memorandum reflecting legal advice and opinions regarding materials for core publications.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : GRANTED  
SM\_REC\_EXPL : Granted as redacted  
BOX\_NUM : 3  
FOLDERNO : 7

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BATES\_RANGE : MRK-AAC0045568-MRK-AAC0045569  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 01/11/02  
AUTHOR : Fanelle, Christine  
RECIPIENT : Roberts, Rick M.; Cannell, Thomas R.; Laux, Jennifer I.; Kasperzik, Jens H.; Ruef, Tim F.; Kornowski, Sophie; Vignau, Steven R.; Reicin, Alise S.; Gertz, Barry J. cc: Lahner, Joanne\*; Silverstein, Leonard I.; Melin, Jeffrey M.; Ritchie, Candace K.; Reaves, Gregory E.; Wainwright, Joan; Weiner, Jan D.; Redmond, Mary H.; Stejbach, Mark P.; Jordan, Laura J.; Wambold, Deb; Merkle, Maureen; Eisele, Pamela L.; Ogden, Tracy C.; Dunn, Jim; Iwicki, Suzanne  
DESCRIPTION : E-mail reflecting a request for legal advice and opinions from Legal\* regarding publication of Merck's intent to conduct CV clinical trials.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : GRANTED  
SM\_REC\_EXPL : Granted as redacted on p. 45568  
  
BOX\_NUM : 4  
FOLDERNO : 8

Document 238 of 501

BATES\_RANGE : MRK-AAC0086764-MRK-AAC0086764  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 01/09/02  
AUTHOR : Sperling, Rhoda incorporating an email to Lahner, Joanne\*  
RECIPIENT : Gertz, Barry J.; Reicin, Alise S.  
DESCRIPTION : E-mail reflecting legal advice and opinions from Lahner, Joanne\* regarding vioxx-edema draft manuscript.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED IN PART; GRANTED IN PART  
SM\_REC\_EXPL : Whole e-mail thread is not listed on the privilege log. First message to Lahner asks for comments to be reviewed - Granted.  
Second message complaining about Lahner is Granted.  
Last two messages- Denied. No legal advice is disclosed. Suggested conference call is not privileged information about the attorney-client relationship.  
  
BOX\_NUM : 4  
FOLDERNO : 8

Document 239 of 501

BATES\_RANGE : MRK-AAC0087035-MRK-AAC0087035  
ATTACHMENTS : Attaching MRK-AAC0087036-MRK-AAC0087064  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 01/11/02  
AUTHOR : Lahner, Joanne\*  
RECIPIENT : Sperling, Rhoda cc: Reicin, Alise S.; Gertz, Barry J.; Thompson, Caroline J.  
DESCRIPTION : E-mail reflecting client confidences, legal advice and opinions regarding draft Vioxx product circular.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 4  
FOLDERNO : 8

Document 240 of 501

BATES\_RANGE : MRK-AAC0087036-MRK-AAC0087064  
ATTACHMENTS : Attached to MRK-AAC0087035-MRK-AAC0087035  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 01/11/02  
AUTHOR : Lahner, Joanne\*  
RECIPIENT : Sperling, Rhoda cc: Reicin, Alise S.; Gertz, Barry J.; Thompson, Caroline J.

Special Master Recommended Ruling - PSC "600"

DESCRIPTION : Draft manuscript reflecting legal advice and opinions regarding osteoarthritis patients.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 4  
FOLDERNO : 8

Document 241 of 501

BATES\_RANGE : MRK-AAD0019753-MRK-AAD0019753  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 05/08/00  
AUTHOR : Lahner, Joanne\*  
RECIPIENT : Reicin, Alise S.  
DESCRIPTION : Facsimile reflecting a request for legal advice and opinions regarding draft VIGOR paper.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 4  
FOLDERNO : 8

Document 242 of 501

BATES\_RANGE : MRK-AAD0172769-MRK-AAD0172769  
ATTACHMENTS : Attaching MRK-AAD0172770-MRK-AAD0172773  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/09/02  
AUTHOR : Lahner, Joanne\*  
RECIPIENT : Blois, David W.; Goldmann, Bonnie J.; Reicin, Alise S.; Gertz, Barry J.; Greene, Douglas Alan; Honig, Peter K.; Kornowski, Sophie; Schechter, Adam H.; Taglieber, Ulrich; Bold, Thomas M.; White-Guay, Brian; Braunstein, Ned S.; Silverman, Robert E.; Ruef, T  
DESCRIPTION : E-mail reflecting legal advice and opinions regarding draft letter to healthcare professionals dealing with VIGOR study.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART; DENIED IN PART  
SM\_REC\_EXPL : First message is not to lawyers - DENIED. Second message is mixed in purpose because it is sent to both lawyers and non-lawyers - DENIED. Third e-mail from Lahner - GRANTED.  
BOX\_NUM : 4  
FOLDERNO : 8

Document 243 of 501

BATES\_RANGE : MRK-AAD0172770-MRK-AAD0172773  
ATTACHMENTS : Attached to MRK-AAD0172769-MRK-AAD0172769  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/09/02  
AUTHOR : Lahner, Joanne\*  
RECIPIENT : Blois, David W.; Goldmann, Bonnie J.; Reicin, Alise S.; Gertz, Barry J.; Greene, Douglas Alan; Honig, Peter K.; Kornowski, Sophie; Schechter, Adam H.; Taglieber, Ulrich; Bold, Thomas M.; White-Guay, Brian; Braunstein, Ned S.; Silverman, Robert E.; Kornowski, Sophie; Ruef, Tim F.  
DESCRIPTION : Draft correspondence reflecting legal advice and opinions regarding VIGOR study relating to prescribing and patient product information.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED  
SM\_REC\_EXPL : Attachment to a mixed purpose communication is not privileged.  
BOX\_NUM : 4  
FOLDERNO : 8

Document 244 of 501

BATES\_RANGE : MRK-AAD0185776-MRK-AAD0185776  
ATTACHMENTS : Attaching MRK-AAD0185777-MRK-AAD0185805  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 01/09/02

Special Master Recommended Ruling - PSC "600"

AUTHOR : Sperling, Rhoda. Incorporating email to Lahner, Joanne\*.  
RECIPIENT : Gertz, Barry J.; Reicin, Alise S.  
DESCRIPTION : E-mail reflecting legal advice and opinions regarding draft edema manuscript.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED IN PART; GRANTED IN PART  
SM\_REC\_EXPL : Whole e-mail thread is not listed on the privilege log. First message to Lahner asks for comments to be reviewed - Granted.  
Second message complaining about Lahner is Granted.  
Last two messages-Denied. No legal advice is disclosed. Suggested conference call is not privileged information about the attorney-client relationship.

BOX\_NUM : 4  
FOLDERNO : 8

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BATES\_RANGE : MRK-AAD0185777-MRK-AAD0185805  
ATTACHMENTS : Attached to MRK-AAD0185776-MRK-AAD0185776  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 01/09/02  
AUTHOR : Sperling, Rhoda. Incorporating e-mail to Lahner, Joanne\*  
RECIPIENT : Gertz, Barry J.; Reicin, Alise S.  
DESCRIPTION : Draft manuscript reflecting client confidences and legal advice and opinions regarding edema and hypertension study.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 4  
FOLDERNO : 8

Document 246 of 501

BATES\_RANGE : MRK-AAD0407331-MRK-AAD0407331  
ATTACHMENTS : Attaching MRK-AAD0407332-MRK-AAD0407341  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 05/08/00  
AUTHOR : Lahner, Joanne\*  
RECIPIENT : Reicin, Alise S.  
DESCRIPTION : Facsimile reflecting a request for legal advice and opinions regarding draft VIGOR paper.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 4  
FOLDERNO : 8

Document 247 of 501

BATES\_RANGE : MRK-AAD0407332-MRK-AAD0407341  
ATTACHMENTS : Attached to MRK-AAD0407331-MRK-AAD0407331  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 05/08/00  
AUTHOR : Lahner, Joanne\*  
RECIPIENT : Reicin, Alise S.  
DESCRIPTION : E-mail reflecting request for legal advice and opinions regarding VIGOR paper submission to New England Journal of Medicine.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART; DENIED IN PART  
SM\_REC\_EXPL : Attachment to a mixed purpose communication is not privileged, but the attached comments of a lawyer may be redacted before production.  
BOX\_NUM : 4  
FOLDERNO : 8

Special Master Recommended Ruling - PSC "600"

Document 248 of 501

BATES\_RANGE : MRK-ABD0001979-MRK-ABD0001985  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 03/26/00  
AUTHOR : Blake, Mary E.  
RECIPIENT : Frazier, Kenneth C.\*; Reicin, Alise S.; Slater, Eve E. cc: Distlerath, Linda; Hirsch, Laurence J.; Jordan, Laura J.; Kaufman, Art; Reaves, Gregory E.; Skidmore, Janet; Weiner, Jan D.  
DESCRIPTION : Draft public relations materials regarding the VIGOR study reflecting client confidences and a request for legal advice and opinions.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED  
SM\_REC\_EXPL : E-mail and attachment were sent to one lawyer and two non-lawyers. Not primarily for legal advice or assistance.  
BOX\_NUM : 4  
FOLDERNO : 8

Document 249 of 501

BATES\_RANGE : MRK-ABD0003255-MRK-ABD0003255  
ATTACHMENTS : Attaching MRK-ABD0003256-MRK-ABD0003259  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 09/11/00  
AUTHOR : Demopoulos, Laura A.  
RECIPIENT : Dixon, Wendy L.; Gertz, Barry J.; Greene, Douglas Alan; Lahner, Joanne\*; Nies, Alan S.; Slater, Eve E.  
DESCRIPTION : E-mail reflecting a request for legal advice and opinions regarding draft correspondence regarding COX-2 inhibitors and JAMA.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED  
SM\_REC\_EXPL : Message and attachment sent to many only one of whom was a lawyer - not primarily for legal assistance.  
BOX\_NUM : 4  
FOLDERNO : 8

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BATES\_RANGE : MRK-ABD0003256-MRK-ABD0003259  
ATTACHMENTS : Attached to MRK-ABD0003255-MRK-ABD0003255  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 09/11/00  
AUTHOR : Demopoulos, Laura A.  
RECIPIENT : Dixon, Wendy L.; Gertz, Barry J.; Greene, Douglas Alan; Lahner, Joanne\*; Nies, Alan S.; Slater, Eve E.  
DESCRIPTION : Draft correspondence reflecting client confidences and a request for legal advice and opinions re: COX-2 and JAMA.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART DENIED IN PART  
SM\_REC\_EXPL : Attachment to a mixed purpose communication is not privileged, but the attached comments of a lawyer may be redacted before production.  
BOX\_NUM : 4  
FOLDERNO : 8

Document 251 of 501

BATES\_RANGE : MRK-ABI0007318-MRK-ABI0007319  
ATTACHMENTS : Attaching MRK-ABI0007320-MRK-ABI0007322  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 01/27/01

Special Master Recommended Ruling - PSC "600"

AUTHOR : Reicin, Alise S. incorporating E-mail cced: to Lahner, Joanne\*  
RECIPIENT : Weiner, Jan D.; Frazier, Kenneth C.\*; Wainwright, Joan; Reaves, Gregory E.; Dixon, Wendy L.;  
Beauchard, Lucine E.; Blake, Mary Elizabeth; Greene, Douglas Alan  
DESCRIPTION : E-mail reflecting a request for legal advice and opinions regarding VIGOR study issues.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : DENIED  
SM\_REC\_EXPL : Reicin is not seeking advice from Lahner in this redaction. She is noting her acceptance and approval.  
BOX\_NUM : 4  
FOLDERNO : 8

Document 252 of 501

BATES\_RANGE : MRK-ABI0007335-MRK-ABI0007335  
ATTACHMENTS : Attaching MRK-ABI0007336-MRK-ABI0007337  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 01/22/01  
AUTHOR : Baran, Lindy  
RECIPIENT : Scolnick, Edward M.; Santoro, Wendy cc: Delissio, Maggie; Getty, Carol; Greene, Douglas Alan;  
Reicin, Alise S.; Dixon, Wendy L.; Sherwood, Louis M.; Anstice, David W.; Rowan, Jean A.  
DESCRIPTION : E-mail reflecting legal advice and opinions regarding draft correspondence about VIOXX data.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 4  
FOLDERNO : 8

Document 253 of 501

BATES\_RANGE : MRK-ABI0007336-MRK-ABI0007337  
ATTACHMENTS : Attached to MRK-ABI0007335-MRK-ABI0007335  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 01/22/01  
AUTHOR : Baran, Lindy  
RECIPIENT : Scolnick, Edward M.; Santoro, Wendy cc: Delissio, Maggie; Getty, Carol; Greene, Douglas Alan;  
Reicin, Alise S.; Dixon, Wendy L.; Sherwood, Louis M.; Anstice, David W.; Rowan, Jean A.  
DESCRIPTION : Draft correspondence reflecting client confidences and legal advice regarding study issues.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 4  
FOLDERNO : 8

Document 254 of 501

BATES\_RANGE : MRK-ABX0026103-MRK-ABX0026103  
ATTACHMENTS : Attaching MRK-ABX0026104-MRK-ABX0026107  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/09/02  
AUTHOR : Lahner, Joanne\*  
RECIPIENT : Blois, David W.; Goldmann, Bonnie J.; Reicin, Alise S.; Gertz, Barry J.; Greene, Douglas Alan;  
Honig, Peter K.; Kornowski, Sophie P.; Schechter, Adam H.; Taglieber, Ulrich; Bold, Thomas M.;  
White-Guay, Brian; Braunstein, Ned S.; Silverman, Robert E.; Ruef Tim  
DESCRIPTION : E-mail reflecting legal advice and opinions regarding draft letter to healthcare professionals dealing  
with VIGOR study.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART; DENIED IN PART  
SM\_REC\_EXPL : First message is not to lawyers - DENIED. Second message is mixed in purpose because it is  
sent to both lawyers and non-lawyers - DENIED. Third e-mail from Lahner - GRANTED.  
BOX\_NUM : 4  
FOLDERNO : 8

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BATES\_RANGE : MRK-ABX0026104-MRK-ABX0026107  
ATTACHMENTS : Attached to MRK-ABX0026103-MRK-ABX0026103  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/09/02  
AUTHOR : Lahner, Joanne\*  
RECIPIENT : Blois, David W.; Goldmann, Bonnie J.; Reicin, Alise S.; Gertz, Barry J.; Greene, Douglas Alan; Honig, Peter K.; Kornowski, Sophie P.; Schechter, Adam H.; Taglieber, Ulrich; Bold, Thomas M.; White-Guay, Brian; Braunstein, Ned S.; Silverman, Robert E.; Ruef, Timothy F.  
DESCRIPTION : Draft correspondence reflecting legal advice and opinions regarding VIGOR study relating to prescribing and patient product information.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED  
SM\_REC\_EXPL : Attachment to a mixed purpose communication is not privileged.  
BOX\_NUM : 4  
FOLDERNO : 8

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BATES\_RANGE : MRK-ACC0019671-MRK-ACC0019671  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 01/10/02  
AUTHOR : Reicin, Alise S. incorporating e-mail from Sperling, Rhoda to Lahner, Joanne\*  
RECIPIENT : Sperling, Rhoda cc: Gertz, Barry J.  
DESCRIPTION : E-mail reflecting legal advice and opinions of Lahner, Joanne\* regarding a manuscript about vioxx, edema and hypertension.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED IN PART; GRANTED IN PART  
SM\_REC\_EXPL : Whole e-mail thread is not listed on the privilege log. First message to Lahner asks for comments to be reviewed - Granted.  
Second message complaining about Lahner is Granted.  
Last two messages-Denied. No legal advice is disclosed. Suggested conference call is not privileged information about the attorney-client relationship.  
BOX\_NUM : 4  
FOLDERNO : 8

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BATES\_RANGE : MRK-ACD0041355-MRK-ACD0041355  
ATTACHMENTS : Attaching MRK-ACD0041356-MRK-ACD0041359  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/09/02  
AUTHOR : Lahner, Joanne\*  
RECIPIENT : Blois, David W.; Goldmann, Bonnie J.; Reicin, Alise S.; Gertz, Barry J.; Greene, Douglas Alan; Honig, Peter K.; Kornowski, Sophie; Schechter, Adam H.; Taglieber, Ulrich; Bold, Thomas M.; plus others from distribution list  
DESCRIPTION : E-mail reflecting legal advice and opinions regarding draft letter to healthcare professionals dealing with VIGOR study.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART; DENIED IN PART  
SM\_REC\_EXPL : First message is not to lawyers - DENIED. Second message is mixed in purpose because it is sent to both lawyers and non-lawyers - DENIED. Third e-mail from Lahner - GRANTED.  
BOX\_NUM : 4  
FOLDERNO : 8

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BATES\_RANGE : MRK-ACD0041356-MRK-ACD0041359  
ATTACHMENTS : Attached to MRK-ACD0041355-MRK-ACD0041355  
PRIV\_CLAIM : Attorney-Client Privilege

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DATE : 04/09/02  
AUTHOR : Lahner, Joanne\*  
RECIPIENT : Blois, David W.; Goldmann, Bonnie J; Reicin, Alise S.; Gertz, Barry J.; Greene, Douglas Alan; Honig, Peter K.; Kornowski, Sophie; Schechter, Adam H.; Taglieber, Ulrich; Bold, Thomas M.; plus others from distribution list  
DESCRIPTION : Draft correspondence reflecting legal advice and opinions regarding VIGOR study relating to prescribing and patient product information.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED  
SM\_REC\_EXPL : Attachment to a mixed purpose communication is not privileged.  
BOX\_NUM : 4  
FOLDERNO : 8

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BATES\_RANGE : MRK-ACD0101796-MRK-ACD0101806  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 03/22/02  
AUTHOR : Eisele, Pamela L.; Fanelle, Christine  
RECIPIENT : Reicin, Alise S.; Silverman, Robert E.; Braunstein, Ned S.  
DESCRIPTION : Draft public relations document reflecting a request for legal advice and opinions regarding regulatory and public relations issues arising in media inquiries.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : GRANTED  
SM\_REC\_EXPL : Granted as redacted.  
BOX\_NUM : 4  
FOLDERNO : 8

Document 260 of 501

BATES\_RANGE : MRK-ACI0000008-MRK-ACI0000008  
ATTACHMENTS : Attaching MRK-ACI0000009-MRK-ACI0000011  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/08/02  
AUTHOR : Fanelle, Christine J.  
RECIPIENT : Lahner, Joanne\*; Casola, Thomas M.; Silverman, Robert E. cc: Schechter, Adam H.; Wainwright, Joan; Colbert, Celia A.\*; Gertz, Barry J.; Reicin, Alise S.; Weiner, Jan D.  
DESCRIPTION : E-mail reflecting a request for legal advice and opinions regarding draft press release re: journal Science article on genetically altered mice.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED  
SM\_REC\_EXPL : Message sent to a lawyer and two non-lawyers with copies to many. Primary purpose of message and attachment was not obtaining legal advice.  
BOX\_NUM : 4  
FOLDERNO : 8

Document 261 of 501

BATES\_RANGE : MRK-ACI0000009-MRK-ACI0000011  
ATTACHMENTS : Attached to MRK-ACI0000008-MRK-ACI0000008  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/08/02  
AUTHOR : Fanelle, Christine J.  
RECIPIENT : Lahner, Joanne\*; Casola, Thomas M.; Silverman, Robert E. cc: Schechter, Adam H.; Wainwright, Joan; Colbert, Celia A.\*; Gertz, Barry J.; Reicin, Alise S.; Weiner, Jan D.  
DESCRIPTION : Draft public relations document regarding Vigor study results reflecting a request for legal advice and opinions.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED  
SM\_REC\_EXPL : Attachment to a mixed purpose communication is not privileged.

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BOX\_NUM : 4  
FOLDERNO : 8

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BATES\_RANGE : MRK-ACO0013525-MRK-ACO0013525  
ATTACHMENTS : Attaching MRK-ACO0013526-MRK-ACO0013529  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/09/02  
AUTHOR : Lahner, Joanne\*  
RECIPIENT : Blois, David W.; Goldmann, Bonnie J.; Reicin, Alise S.; Gertz, Barry J.; Greene, Douglas Alan; Honig, Peter K.; Kornowski, Sophie; Schechter, Adam H.; Taglieber, Ulrich; Bold, Thomas M.; White-Guay, Brian; Braunstein, Ned S.; Silverman, Robert E.; Kornowski, Sophie; Ruef, Tim F.  
DESCRIPTION : E-mail reflecting legal advice and opinions regarding draft letter to healthcare professionals dealing with VIGOR study.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART; DENIED IN PART  
SM\_REC\_EXPL : First message is not to lawyers - DENIED. Second message is mixed in purpose because it is sent to both lawyers and non-lawyers - DENIED. Third e-mail from Lahner - GRANTED.

BOX\_NUM : 4  
FOLDERNO : 8

Document 263 of 501

BATES\_RANGE : MRK-ACO0013526-MRK-ACO0013529  
ATTACHMENTS : Attached to MRK-ACO0013525-MRK-ACO0013525  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/09/02  
AUTHOR : Lahner, Joanne\*  
RECIPIENT : Blois, David W.; Goldmann, Bonnie J.; Reicin, Alise S.; Gertz, Barry J.; Greene, Douglas Alan; Honig, Peter K.; Kornowski, Sophie; Schechter, Adam H.; Taglieber, Ulrich; Bold, Thomas M.; White-Guay, Brian; Braunstein, Ned S.; Silverman, Robert E.; Kornowski, Sophie; Ruef, Tim F.  
DESCRIPTION : Draft correspondence reflecting legal advice and opinions regarding VIGOR study relating to prescribing and patient product information.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED  
SM\_REC\_EXPL : Attachment to a mixed purpose communication is not privileged.  
BOX\_NUM : 4  
FOLDERNO : 8

Document 264 of 501

BATES\_RANGE : MRK-ACR0012738-MRK-ACR0012739  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 01/28/01  
AUTHOR : Reicin, Alise S.  
RECIPIENT : Weiner, Jan D.; Frazier, Kenneth C.\*; Wainwright, Joan; Reaves, Gregory E.; Dixon, Wendy L.; Beauchard, Lucine E.; Blake, Mary Elizabeth; Greene, Douglas Alan  
DESCRIPTION : E-mail reflecting a request for legal advice and opinions regarding public relations issues related to questions on VIGOR.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : GRANTED  
SM\_REC\_EXPL : Granted as redacted.  
BOX\_NUM : 4  
FOLDERNO : 8

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BATES\_RANGE : MRK-ACR0020826-MRK-ACR0020826  
ATTACHMENTS : Attaching MRK-ACR0020827-MRK-ACR0020830  
PRIV\_CLAIM : Attorney-Client Privilege

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DATE : 04/09/02  
AUTHOR : Lahner, Joanne\*  
RECIPIENT : Blois, David W.; Goldmann, Bonnie J.; Reicin, Alise S.; Gertz, Barry J.; Greene, Douglas Alan; Honig, Peter K.; Kornowski, Sophie; Schechter, Adam H.; Taglieber, Ulrich; Bold, Thomas M.; White-Guay, Brian; Braunstein, Ned S.; Silverman, Robert E.; Kornowski, Sophie; Ruef, Tim F.  
DESCRIPTION : E-mail reflecting legal advice and opinions regarding draft letter to healthcare professionals dealing with VIGOR study.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART; DENIED IN PART  
SM\_REC\_EXPL : First message is not to lawyers - DENIED. Second message is mixed in purpose because it is sent to both lawyers and non-lawyers - DENIED. Third e-mail from Lahner - GRANTED.

BOX\_NUM : 4  
FOLDERNO : 8

Document 266 of 501

BATES\_RANGE : MRK-ACR0020827-MRK-ACR0020830  
ATTACHMENTS : Attached to MRK-ACR0020826-MRK-ACR0020826  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/09/02  
AUTHOR : Lahner, Joanne\*  
RECIPIENT : Blois, David W.; Goldmann, Bonnie J.; Reicin, Alise S.; Gertz, Barry J.; Greene, Douglas Alan; Honig, Peter K.; Kornowski, Sophie; Schechter, Adam H.; Taglieber, Ulrich; Bold, Thomas M.; White-Guay, Brian; Braunstein, Ned S.; Silverman, Robert E.; Kornowski, Sophie; Ruef, Tim F.  
DESCRIPTION : Draft correspondence reflecting legal advice and opinions regarding VIGOR study relating to prescribing and patient product information.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED  
SM\_REC\_EXPL : Attachment to a mixed purpose communication is not privileged.

BOX\_NUM : 4  
FOLDERNO : 8

Document 267 of 501

BATES\_RANGE : MRK-ACT0005289-MRK-ACT0005290  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/09/02  
AUTHOR : Cannuscio, Carolyn C.; Cromley, David W.\*  
RECIPIENT : Greene, Douglas Alan cc: Guess, Harry A.; Gertz, Barry J.; Santanello, Nancy C.; Watson, Douglas J.; Honig, Peter K.; Bain, Raymond P.; Reicin, Alise S.; Silverman, Robert E.; Stinson, Diane L.  
DESCRIPTION : Memorandum reflecting client confidences and legal advice and opinions regarding research study agreement with Brigham and Women's Hospital.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED IN PART; GRANTED IN PART  
SM\_REC\_EXPL : Document is from a non-lawyer and a lawyer. It is not primarily providing legal advice-DENIED. Paragraph addressing "Legal Risk" -GRANTED.

BOX\_NUM : 4  
FOLDERNO : 8

Document 268 of 501

BATES\_RANGE : MRK-ACT0006688-MRK-ACT0006689  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/09/02  
AUTHOR : Cannuscio, Carolyn C.; Cromley, David W.\*  
RECIPIENT : Greene, Douglas Alan cc: Guess, Harry A.; Gertz, Barry J.; Santanello, Nancy C.; Watson, Douglas J.; Honig, Peter K.; Bain, Raymond P.; Reicin, Alise S.; Silverman, Robert E.; Stinson, Diane L.  
DESCRIPTION : Memorandum reflecting client confidences and legal advice and opinions regarding research study

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agreement with Brigham and Women's Hospital.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED IN PART; GRANTED IN PART  
SM\_REC\_EXPL : Document is from a non-lawyer and a lawyer. It is not primarily providing legal advice-DENIED. Paragraph addressing "Legal Risk" -GRANTED.  
BOX\_NUM : 4  
FOLDERNO : 8

Document 269 of 501

BATES\_RANGE : MRK-ACT0007065-MRK-ACT0007066  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/09/02  
AUTHOR : Cannuscio, Carolyn C.; Cromley, David W.\*  
RECIPIENT : Greene, Douglas Alan cc: Guess, Harry A.; Gertz, Barry J.; Santanello, Nancy C.; Watson, Douglas J.; Honig, Peter K.; Bain, Raymond P.; Reicin, Alise S.; Silverman, Robert E.; Stinson, Diane L.

DESCRIPTION : Memorandum reflecting client confidences and legal advice and opinions regarding research study agreement with Brigham and Women's Hospital.

W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED IN PART; GRANTED IN PART  
SM\_REC\_EXPL : Document is from a non-lawyer and a lawyer. It is not primarily providing legal advice-DENIED. Paragraph addressing "Legal Risk" -GRANTED.  
BOX\_NUM : 4  
FOLDERNO : 8

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BATES\_RANGE : MRK-ACT0007830-MRK-ACT0007831  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/09/02  
AUTHOR : Cannuscio, Carolyn C.; Cromley, David W.\*  
RECIPIENT : Greene, Douglas Alan cc: Guess, Harry A.; Gertz, Barry J.; Santanello, Nancy C.; Watson, Douglas J.; Honig, Peter K.; Bain, Raymond P.; Reicin, Alise S.; Silverman, Robert E.; Stinson, Diane L.

DESCRIPTION : Memorandum reflecting client confidences and legal advice and opinions regarding research study agreement with Brigham and Women's Hospital.

W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED IN PART; GRANTED IN PART  
SM\_REC\_EXPL : Document is from a non-lawyer and a lawyer. It is not primarily providing legal advice-DENIED. Paragraph addressing "Legal Risk" -GRANTED.  
BOX\_NUM : 4  
FOLDERNO : 8

Document 271 of 501

BATES\_RANGE : MRK-ACT0007832-MRK-ACT0007833  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/09/02  
AUTHOR : Cannuscio, Carolyn C.; Cromley, David W.\*  
RECIPIENT : Greene, Douglas Alan cc: Guess, Harry A.; Gertz, Barry J.; Santanello, Nancy C.; Watson, Douglas J.; Honig, Peter K.; Bain, Raymond P.; Reicin, Alise S.; Silverman, Robert E.; Stinson, Diane L.

DESCRIPTION : Memorandum reflecting client confidences and legal advice and opinions regarding research study agreement with Ingenix Pharmaceutical Services.

W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED IN PART; GRANTED IN PART  
SM\_REC\_EXPL : Document is from a non-lawyer and a lawyer. It is not primarily providing legal advice-DENIED. Paragraph addressing "Legal Risk" -GRANTED.  
BOX\_NUM : 4  
FOLDERNO : 8

Special Master Recommended Ruling - PSC "600"

Document 272 of 501

BATES\_RANGE : MRK-ACW0001199-MRK-ACW0001199  
ATTACHMENTS : Attaching MRK-ACW0001200-MRK-ACW0001203  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 10/23/00  
AUTHOR : Ogden, Tracy C.  
RECIPIENT : Lahner, Joanne\*; Rode, Robert J.; Reicin, Alise S. cc: Blake, Mary Elizabeth; Shank-Samiec, Dolores M.  
DESCRIPTION : E-mail reflecting a request for legal advice and opinions regarding draft news release dealing with VIGOR.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED  
SM\_REC\_EXPL : Message sent to several only one of whom is a lawyer. Its primary purpose was not to obtain legal advice.  
BOX\_NUM : 4  
FOLDERNO : 8

Document 273 of 501

BATES\_RANGE : MRK-ACW0001200-MRK-ACW0001203  
ATTACHMENTS : Attached to MRK-ACW0001199-MRK-ACW0001199  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 10/29/00  
AUTHOR : Ogden, Tracy C.  
RECIPIENT : Lahner, Joanne\*; Rode, Robert J.; Reicin, Alise S. cc: Blake, Mary Elizabeth; Shank-Samiec, Dolores M.  
DESCRIPTION : Draft public relations document reflecting a request for legal advice and opinions regarding Vigor study presentation issues.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART; DENIED IN PART  
SM\_REC\_EXPL : Attachment to a mixed purpose communication is not privileged but the attached comments of a lawyer may be redacted before production.  
BOX\_NUM : 4  
FOLDERNO : 8

Document 274 of 501

BATES\_RANGE : MRK-ACW0001226-MRK-ACW0001227  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 10/24/00  
AUTHOR : Basaman, Mary Elizabeth  
RECIPIENT : Stenn, Tracy C. incorporating an email from Stenn, Tracy to Lahner, Joanne\*; Rode, Robert J.; Reicin, Alise S. cc:Stenn, Tracy; Wambold, Deb  
DESCRIPTION : E-mail reflecting a request for legal advice and opinions regarding Vigor news release.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : DENIED IN PART; GRANTED IN PART  
SM\_REC\_EXPL : First redaction, first part of sentence before "--" - DENIED.  
Last part of sentence, following "--" -GRANTED.  
Second redaction-DENIED except for bracketed portion at end of first sentence - GRANTED.  
BOX\_NUM : 4  
FOLDERNO : 8

Document 275 of 501

BATES\_RANGE : MRK-ACW0002394-MRK-ACW0002394  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 03/26/00  
AUTHOR : Distlerath, Linda M.  
RECIPIENT : Reicin, Alise S.; Slater, Eve E.; Frazier, Kenneth C.\*; Hirsch, Laurence J. cc: Weiner, Jan D.;

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Blake, Mary Elizabeth  
DESCRIPTION : E-mail reflecting a request for legal advice and opinions regarding Draft VIGOR Q & A language issues.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED  
SM\_REC\_EXPL : Message sent to many for comment-not primarily for legal advice.  
BOX\_NUM : 4  
FOLDERNO : 8

Document 276 of 501

BATES\_RANGE : MRK-ACW0002395-MRK-ACW0002395  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 03/26/00  
AUTHOR : Frazier, Kenneth C.\*  
RECIPIENT : Reicin, Alise S.; Slater, Eve E.; Hirsch, Laurence J.; Distlerath, Linda M. cc: Weiner, Jan D.; Blake, Mary Elizabeth

DESCRIPTION : E-mail reflecting legal advice and opinions regarding draft VIGOR Q & A document.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED  
SM\_REC\_EXPL : Message sent to many for comment-not primarily for legal advice. Last message from Frazier comments on data and changing protocol-does not appear to be primarily legal.

BOX\_NUM : 4  
FOLDERNO : 8

Document 277 of 501

BATES\_RANGE : MRK-ACX0005361-MRK-ACX0005361  
ATTACHMENTS : Attaching MRK-ACX0005362-MRK-ACX0005364  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 10/17/00  
AUTHOR : Bazmi, Babak  
RECIPIENT : Abrahamson, David; Sherwood, Louis M. cc: Reicin, Alise S.; Reiss, Sandra Marie; El-Dada, Riad H.; Beauchard, Lucine E.

DESCRIPTION : Teleconference reflecting a request for legal advice and opinions from Lahner, Joanne\* regarding VA meeting.

W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : GRANTED  
SM\_REC\_EXPL : Granted as redacted.  
BOX\_NUM : 4  
FOLDERNO : 8

Document 278 of 501

BATES\_RANGE : MRK-ACX0005362-MRK-ACX0005364  
ATTACHMENTS : Attached to MRK-ACX0005361-MRK-ACX0005361  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 10/17/00  
AUTHOR : Bazmi, Babak, incorporating email from Lahner, Joanne\*  
RECIPIENT : Abrahamson, David; Sherwood, Louis M. cc: Reicin, Alise S.; Reiss, Sandra Marie; El-Dada, Riad H.; Beauchard, Lucine E.

DESCRIPTION : Draft document representing potential questions and responses regarding Vigor trial.

W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
SM\_REC\_EXPL : Granted as redacted.  
BOX\_NUM : 4  
FOLDERNO : 8

Document 279 of 501

BATES\_RANGE : MRK-ADI0012357-MRK-ADI0012357

Special Master Recommended Ruling - PSC "600"

ATTACHMENTS : Attaching MRK-ADI0012358-MRK-ADI0012359  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 05/02/00  
AUTHOR : Blake, Mary Elizabeth  
RECIPIENT : Lahner, Joanne\*; Reicin, Alise S. cc: Distlerath, Linda; Weiner, Jan D.  
DESCRIPTION : E-mail reflecting legal advice and opinions regarding VIGOR aspirin news release.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 4  
FOLDERNO : 8

Document 280 of 501

BATES\_RANGE : MRK-ADI0012358-MRK-ADI0012359  
ATTACHMENTS : Attached to MRK-ADI0012357-MRK-ADI0012357  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 05/02/00  
AUTHOR : Blake, Mary Elizabeth  
RECIPIENT : Lahner, Joanne\*; Reicin, Alise S. cc: Distlerath, Linda; Weiner, Jan D.  
DESCRIPTION : Draft public relations document reflecting legal advice and opinions regarding possible press release.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 4  
FOLDERNO : 8

Document 281 of 501

BATES\_RANGE : MRK-ADI0012778-MRK-ADI0012782  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 10/12/00  
AUTHOR : Basaman, Mary Elizabeth incorporating email from Lahner, Joanne\* to Morrison, Briggs; Mortensen, Eric R.; Evans, Jilly; Weiner, Jan D.; Beskar, Emilie and cc: Basaman, Mary Elizabeth; Jordan Laura J.  
RECIPIENT : Weiner, Jan D. cc: Jordan, Laura J.  
DESCRIPTION : E-mail reflecting legal advice and opinions regarding responses to ABC news inquiry.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED IN PART; GRANTED IN PART  
SM\_REC\_EXPL : Whole e-mail thread is not listed on the privilege log. E-mail thread is generally not primarily for legal assistance. First two messages sent to many for comment-not primarily for legal advice. DENIED.  
Third message from Lahner-GRANTED.  
Fourth message not even sent to an attorney and does not reveal legal advice. DENIED.  
BOX\_NUM : 4  
FOLDERNO : 8

Document 282 of 501

BATES\_RANGE : MRK-ADI0014428-MRK-ADI0014429  
ATTACHMENTS : Attaching MRK-ADI0014430-MRK-ADI0014432  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 05/03/00  
AUTHOR : Kaufman, Art incorporating email from Basaman, Mary E. to Lahner, Joanne\* and Reicin, Alise  
RECIPIENT : Blake, Mary Elizabeth cc: Weiner, Jan D.; McKinney, Errol S.; Reicin, Alise S.  
DESCRIPTION : E-mail reflecting legal advice and opinions regarding press release.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED  
SM\_REC\_EXPL : Whole e-mail thread not listed on privilege log. First message and attachment not sent to attorney-not for legal advice. Second message sent to both attorney and non-attorney, therefore not primarily for legal advice. Third message from Lahner seems more policy than legal. Fourth message to lawyer and non-lawyer. Therefore, not primarily for legal advice. Remaining three

messages were not sent to a lawyer. Legal advice was not their purpose.

BOX\_NUM : 4  
FOLDERNO : 8

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BATES\_RANGE : MRK-ADI0014430-MRK-ADI0014432  
ATTACHMENTS : Attached to MRK-ADI0014428-MRK-ADI0014429  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 05/03/00  
AUTHOR : Kaufman, Art incorporating e-mail to Lahner, Joanne\*  
RECIPIENT : Blake, Mary Elizabeth cc: Weiner, Jan D.; McKinney, Errol S.; Reicin, Alise S.  
DESCRIPTION : Draft public relations document reflecting legal advice and opinions of Lahner, Joanne\* regarding possible press release.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART DENIED IN PART  
SM\_REC\_EXPL : Attachment to a mixed purpose communication is not privileged, but the attached comments of a lawyer may be redacted before production.

BOX\_NUM : 4  
FOLDERNO : 8

Document 284 of 501

BATES\_RANGE : MRK-ADI0019420-MRK-ADI0019420  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 10/13/00  
AUTHOR : Ogden, Tracy C.  
RECIPIENT : Evans, Jilly; Kargman, Stacia; Morrison, Briggs W.; Mortensen, Eric R.; Simon, Thomas J.; Hirsch, Laurence J. cc: Weiner, Jan D.; Blake, Mary Elizabeth; Beskar, Emilie S.; Jordan, Laura J.; Redmond, Mary H.  
DESCRIPTION : E-mail reflecting Joanne Lahner's\* legal advice and opinions regarding standby statement and Q&A on colon cancer studies.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : GRANTED  
BOX\_NUM : 4  
FOLDERNO : 8

Document 285 of 501

BATES\_RANGE : MRK-ADJ0015564-MRK-ADJ0015568  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/01/02  
AUTHOR : Ogden, Tracy C.  
RECIPIENT : Reicin, Alise S. cc: Weiner, Jan D.; Fanelle, Christine  
DESCRIPTION : Draft public relations document reflecting legal advice and opinions regarding MRL briefing script on Vioxx labeling changes.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : GRANTED  
SM\_REC\_EXPL : Granted as redacted.  
BOX\_NUM : 4  
FOLDERNO : 8

Document 286 of 501

BATES\_RANGE : MRK-ADM0077673-MRK-ADM0077673  
ATTACHMENTS : Attaching MRK-ADM0077674-MRK-ADM0077675  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/09/02  
AUTHOR : Colbert, Celia A.\*  
RECIPIENT : Henshall, Ronald S\*; Gregory, Suzanne\*; Lahner, Joanne\*; Scolnick, Edward M; Kim, Peter S; Greene, Douglas; Gertz, Barry; Braunstein, Ned; Bolton, Anne H; Powell, Elizabeth; cc: Frazier,

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Kenneth C.\*  
DESCRIPTION : E-mail reflecting legal advice and opinions regarding label changes to Vioxx and confidentiality issues.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 4  
FOLDERNO : 8

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BATES\_RANGE : MRK-ADM0077674-MRK-ADM0077675  
ATTACHMENTS : Attached to MRK-ADM0077673-MRK-ADM0077673  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/09/02  
AUTHOR : Colbert, Celia A.\*  
RECIPIENT : El-Dada, Riad; Henshall, Ron\*; Lahner, Joanne\*; Lewis, Suzanne Gregory\*, Reicin, Alise; Weiner, Jan; Wambold, Deb; Bell, Paul; Casola, Tom; Warner, Gray and others in the distribution list.  
DESCRIPTION : Memorandum reflecting legal advice and opinions regarding trading restrictions in Merck securities.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 4  
FOLDERNO : 8

Document 288 of 501

BATES\_RANGE : MRK-ADO0042412-MRK-ADO0042413  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/09/02  
AUTHOR : Summers, Scott A.  
RECIPIENT : Buttala, Michael A. noting advice being sought by Braunstein, Ned S.; Summers, Scott A.; Gertz, Barry J.; Reicin, Alise S. from Lahner, Joanne\* cc: Schechter, Adam H.; Tacconi, Leonard J.; Cannell, Thomas R.  
DESCRIPTION : E-mail reflecting legal advice and opinions regarding HCP letter concerning label changes.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART DENIED IN PART  
SM\_REC\_EXPL : Whole e-mail thread not listed on the privilege log. First two messages only copied to Lahner-not primarily for legal assistance.  
Last message from Lahner - Granted.  
BOX\_NUM : 4  
FOLDERNO : 8

Document 289 of 501

BATES\_RANGE : MRK-ADO0077228-MRK-ADO0077229  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/09/02  
AUTHOR : Summers, Scott A.  
RECIPIENT : Buttala, Michael A. noting advice being sought by Braunstein, Ned S.; Summers, Scott A.; Gertz, Barry J.; Reicin, Alise S. from Lahner, Joanne\* cc: Schechter, Adam H.; Tacconi, Leonard J.; Cannell, Thomas R.  
DESCRIPTION : E-mail reflecting legal advice and opinions regarding HCP letter concerning label changes.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART DENIED IN PART  
SM\_REC\_EXPL : Whole e-mail thread not listed on the privilege log. First two messages only copied to Lahner-not primarily for legal assistance.  
Last message from Lahner - Granted.  
BOX\_NUM : 4  
FOLDERNO : 8

Special Master Recommended Ruling - PSC "600"

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BATES\_RANGE : MRK-AFV0410867-MRK-AFV0410867  
ATTACHMENTS : Attaching MRK-AFV0410868-MRK-AFV0410871  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/09/02  
AUTHOR : Lahner, Joanne\*  
RECIPIENT : Blois, David W.; Goldmann, Bonnie, J.; Reicin, Alise S.; Gertz, Barry J.; Greene, Douglas Alan;  
Honig, Peter K.; Kornowski, Sophie; Schechter, Adam H.; Taglieber, Ulrich; Bold, Thomas M.;  
White-Guay, Brian; Braunstein, Ned S.; Silverman, Robert E.; Kornowski, Sophie; Ruef, Tim F.  
DESCRIPTION : E-mail reflecting legal advice and opinions regarding draft healthcare professional letter on label  
changes.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART; DENIED IN PART  
SM\_REC\_EXPL : First message is not to lawyers - DENIED. Second message is mixed in purpose because it is  
sent to both lawyers and non-lawyers - DENIED. Third e-mail from Lahner - GRANTED.  
BOX\_NUM : 4  
FOLDERNO : 8

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BATES\_RANGE : MRK-AFV0410868-MRK-AFV0410871  
ATTACHMENTS : Attached to MRK-AFV0410867-MRK-AFV0410867  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/09/02  
AUTHOR : Lahner, Joanne\*  
RECIPIENT : Blois, David W.; Goldmann, Bonnie J.; Reicin, Alise S.; Gertz, Barry J.; Greene, Douglas Alan;  
Honig, Peter K.; Kornowski, Sophie; Schechter, Adam H.; Taglieber, Ulrich; Bold, Thomas M.;  
White-Guay, Brian; Braunstein, Ned S.; Silverman, Robert E.; Kornowski, Sophie; Ruef, Tim F.  
DESCRIPTION : Draft correspondence reflecting legal advice and opinions regarding prescription information.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED  
SM\_REC\_EXPL : Attachment to a mixed purpose communication is not privileged.  
BOX\_NUM : 4  
FOLDERNO : 8

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BATES\_RANGE : MRK-AFV0410872-MRK-AFV0410872  
ATTACHMENTS : Attaching MRK-AFV0410873-MRK-AFV0410873  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/09/02  
AUTHOR : Colbert, Celia A.\*  
RECIPIENT : Henshall, Ronald S.\*; Lewis, Suzanne M. Gregory\*; Lahner, Joanne\*; Bolton, Anne H.\*; Powell,  
Elizabeth A.\*; Scolnick, Edward M.; Kim, Peter S.; Greene, Douglas Alan; Gertz, Barry J.; Reicin,  
Alise S.; Blois, David W.; Simpson, Sandra L.; Ogden, Tracy C.; plus others in distribution list cc:  
Frazier, Kenneth C.\*  
DESCRIPTION : E-mail reflecting legal advice and opinions regarding regulations surrounding Vioxx label changes.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 4  
FOLDERNO : 8

Document 293 of 501

BATES\_RANGE : MRK-AFV0410873-MRK-AFV0410873  
ATTACHMENTS : Attached to MRK-AFV0410872-MRK-AFV0410872  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/09/02  
AUTHOR : Colbert, Celia A.\*  
RECIPIENT : Henshall, Ronald S.\*; Lewis, Suzanne Gregory\*; Lahner, Joanne\*; Scolnick, Edward M.; Gertz,

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Barry J.; Greene, Douglas Alan; Gertz, Barry J.; Braunstein, Ned S.; Goldmann, Bonnie J.; Silverman, Robert E.; plus others from distribution list

DESCRIPTION : Memorandum reflecting legal advice and opinions regarding regulatory labeling and trading restrictions.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 4  
FOLDERNO : 8

Document 294 of 501

BATES\_RANGE : MRK-AHO0008903-MRK-AHO0008903  
ATTACHMENTS : Attaching MRK-AHO0008904-MRK-AHO0008905 Attaching MRK-AHO0008906-MRK-AHO0008907 Attaching MRK-AHO0008908-MRK-AHO0008909 Attaching MRK-AHO0008910-MRK-AHO0008912  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 05/18/00  
AUTHOR : Melin, Jeffrey  
RECIPIENT : Lahner, Joanne\*  
DESCRIPTION : Email reflecting a request for legal advice and opinions regarding VIGOR PIRs post-DDW results.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 4  
FOLDERNO : 8

Document 295 of 501

BATES\_RANGE : MRK-AHO0008904-MRK-AHO0008905  
ATTACHMENTS : Attached to MRK-AHO0008903-MRK-AHO0008903  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 05/18/00  
AUTHOR : Melin, Jeffrey  
RECIPIENT : Lahner, Joanne\*; cc: Reicin, Alise S.; Silverstein, Leonard  
DESCRIPTION : Draft PIR document reflecting a request for legal advice and opinions regarding the results of the Vioxx Gastrointestinal Outcomes Research trial.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 4  
FOLDERNO : 8

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BATES\_RANGE : MRK-AHO0008906-MRK-AHO0008907  
ATTACHMENTS : Attached to MRK-AHO0008903-MRK-AHO0008903  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 05/18/00  
AUTHOR : Melin, Jeffrey  
RECIPIENT : Lahner, Joanne\* cc: Reicin, Alise S.; Silverstein, Leonard  
DESCRIPTION : Draft PIR document reflecting a request for legal advice and opinions regarding the results of the Vioxx Gastrointestinal Outcomes Research trial.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 4  
FOLDERNO : 8

Document 297 of 501

BATES\_RANGE : MRK-AHO0008908-MRK-AHO0008909  
ATTACHMENTS : Attached to MRK-AHO0008903-MRK-AHO0008903  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 05/18/00  
AUTHOR : Melin, Jeffrey

Special Master Recommended Ruling - PSC "600"

RECIPIENT : Lahner, Joanne\* cc:Reicin, Alice; Silverstein, Leonard  
DESCRIPTION : Draft PIR document reflecting a request for legal advice and opinions regarding the results of the Vioxx Gastrointestinal Outcomes Research trial.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 4  
FOLDERNO : 8

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BATES\_RANGE : MRK-AHO0008910-MRK-AHO0008912  
ATTACHMENTS : Attached to MRK-AHO0008903-MRK-AHO0008903  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 05/18/00  
AUTHOR : Melin, Jeffrey  
RECIPIENT : Lahner, Joanne\* cc: Reicin, Alice; Silverstein, Leonard  
DESCRIPTION : Draft PIR document reflecting a request for legal advice and opinions regarding the results of the Vioxx Gastrointestinal Outcomes Research trial.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 4  
FOLDERNO : 8

Document 299 of 501

BATES\_RANGE : MRK-AHO0120921-MRK-AHO0120921  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 03/01/01  
AUTHOR : Reicin, Alise S.  
RECIPIENT : Lahner, Joanne\*; Ritchie, Candace, Silverman, Robert; CC: Melin, Jeffrey  
DESCRIPTION : E-mail reflecting legal advice and opinions of Lahner, Joanne\* regarding PIR responses.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED IN PART; GRANTED IN PART  
SM\_REC\_EXPL : Whole e-mail thread is not listed on the privilege log. First message to Lahner-GRANTED. Second message to Lahner-GRANTED. Third message- DENIED. Message not primarily for legal advice. It was sent to one lawyer and two non-lawyers and doesn't reveal content of Reicin message if contrued as additional request for advice.  
BOX\_NUM : 4  
FOLDERNO : 8

Document 300 of 501

BATES\_RANGE : MRK-AHO0121112-MRK-AHO0121113  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 03/02/01  
AUTHOR : Silverman, Robert  
RECIPIENT : Lahner, Joanne\*; Ritchie, Candace; Reicin, Alise; cc: Melin, Jeffrey M.  
DESCRIPTION : E-mail reflecting legal advice and opinions of Lahner, Joanne\* regarding PIR responses.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED IN PART; GRANTED IN PART  
SM\_REC\_EXPL : Whole e-mail thread is not listed on the privilege log. First message to Lahner-GRANTED. Second message to Lahner-GRANTED. Third & fourth messages- DENIED. Message not primarily for legal advice. It was sent to one lawyer and two non-lawyers and doesn't reveal content of Reicin message if contrued as additional request for advice.  
BOX\_NUM : 4  
FOLDERNO : 8

Document 301 of 501

BATES\_RANGE : MRK-AHR0094935-MRK-AHR0094935

Special Master Recommended Ruling - PSC "600"

ATTACHMENTS : Attaching MRK-AHR0094936-MRK-AHR0094941  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 10/08/01  
AUTHOR : Reicin, Alise S.  
RECIPIENT : Bolton, Anne H.\*; Quinlan, Michael D.\* cc: Schwartz, Jules I.; Truitt, Ken E.  
DESCRIPTION : E-mail reflecting a request for legal advice and opinions regarding providing appropriate responses to media for anticipated questions concerning viox and non-GI safety issues.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 4  
FOLDERNO : 8

Document 302 of 501

BATES\_RANGE : MRK-AHR0094936-MRK-AHR0094941  
ATTACHMENTS : Attached to MRK-AHR0094935-MRK-AHR0094935  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 10/08/01  
AUTHOR : Reicin, Alise S.  
RECIPIENT : Bolton, Anne H.\*; Quinlan, Michael D.\* cc: Schwartz, Jules I.; Truitt, Ken E.  
DESCRIPTION : Draft public relations document forwarded to Quinlan, Michael\* and Bolton, Anne\* for legal advice, review and opinions regarding CV issues.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 4  
FOLDERNO : 8

Document 303 of 501

BATES\_RANGE : MRK-AIY0112815-MRK-AIY0112815  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 03/01/01  
AUTHOR : Reicin, Alise S.  
RECIPIENT : Lahner, Joanne\*; Ritchie, Candace K.; Silverman, Robert E. cc: Melin, Jeffrey M.  
DESCRIPTION : E-mail reflecting legal advice and opinions regarding public relations and VIGOR PIRs.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED IN PART; GRANTED IN PART  
SM\_REC\_EXPL : Whole e-mail thread is not listed on the privilege log. First message to Lahner-GRANTED. Second message to Lahner-GRANTED. Third message-DENIED. Message not primarily for legal advice. It was sent to one lawyer and two non-lawyers and doesn't reveal content of Reicin message if construed as additional request for advice.  
BOX\_NUM : 4  
FOLDERNO : 8

Document 304 of 501

BATES\_RANGE : MRK-AIY0112817-MRK-AIY0112818  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 03/02/01  
AUTHOR : Silverman, Robert E.  
RECIPIENT : Lahner, Joanne\*; Reicin, Alise S.; Ritchie, Candace K. cc: Melin, Jeffrey M.  
DESCRIPTION : E-mail reflecting legal advice and opinions regarding public relations and VIGOR PIRs.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED IN PART; GRANTED IN PART  
SM\_REC\_EXPL : Whole e-mail thread is not listed on the privilege log. First message to Lahner-GRANTED. Second message to Lahner-GRANTED. Third message-DENIED. Message not primarily for legal advice. It was sent to one lawyer and two non-lawyers and doesn't reveal content of Reicin message if construed as additional request for advice.

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BOX\_NUM : 4  
FOLDERNO : 8

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BATES\_RANGE : MRK-AKO0007918-MRK-AKO0007918  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 10/17/00  
AUTHOR : Bazami, Babak  
RECIPIENT : Abrahamson, David; Sherwood, Louis cc: Reicin, Alise S.; Reiss, Sandra; El-Dada, Riad H.;  
Beauchard, Lucine E.; incorporating e-mail with cc: Lahner, Joanne\*  
DESCRIPTION : E-mail reflecting a request for legal advice and opinions regarding VIGOR study.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : DENIED  
SM\_REC\_EXPL : Reicin is not seeking advice from Lahner in this redaction. She is noting her acceptance and approval.  
BOX\_NUM : 4  
FOLDERNO : 8

Document 306 of 501

BATES\_RANGE : MRK-AKO0008215-MRK-AKO0008216  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 01/27/01  
AUTHOR : Reicin, Alise S.  
RECIPIENT : Frazier, Kenneth C.\*; Wainwright, Joan; Greene, Douglas; Dixon, Wendy L.; Reaves, Gregory E.;  
Beauchard, Lucine E.; Weiner, Jan D.; Basaman, Mary E.; incorporating e-mail to Lahner, Joanne\*  
DESCRIPTION : Memo reflecting a request for legal advice and opinions regarding VIGOR study.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : DENIED  
SM\_REC\_EXPL : Reicin is not seeking advice from Lahner in this redaction. She is noting her acceptance and  
approval.  
BOX\_NUM : 4  
FOLDERNO : 8

Document 307 of 501

BATES\_RANGE : MRK-AKU0005903-MRK-AKU0005905  
ATTACHMENTS : Attaching MRK-AKU0005906-MRK-AKU0005907  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 10/15/01  
AUTHOR : Reicin, Alise S.  
RECIPIENT : Lahner, Joanne\*  
DESCRIPTION : E-mail reflecting a request for legal advice and opinions regarding VA teleconference meetings and  
label negotiations for VIGOR.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 4  
FOLDERNO : 8

Document 308 of 501

BATES\_RANGE : MRK-AKU0005906-MRK-AKU0005907  
ATTACHMENTS : Attached to MRK-AKU0005903-MRK-AKU0005905  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 10/15/01  
AUTHOR : Reicin, Alise S.  
RECIPIENT : Lahner, Joanne\*  
DESCRIPTION : Draft questions document reflecting a request for legal advice and opinions regarding discussion  
topics for meeting with PBM/MAP and DoD representatives.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED

Special Master Recommended Ruling - PSC "600"

BOX\_NUM : 4  
FOLDERNO : 8

Document 309 of 501

BATES\_RANGE : MRK-AKU0012874-MRK-AKU0012874  
ATTACHMENTS : Attaching MRK-AKU0012875-MRK-AKU0012881  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 01/18/02  
AUTHOR : Trinkle, Robert P.\*  
RECIPIENT : Cromley, David W.\*; Lahner, Joanne\*; Bigley, Frank P.\*; Ralls-Morrison, Desiree Ann\*; Gregory, Suzanne M.\*; Giuliani, Elizabeth A.\*; Olson, R. Brent\*; Powell, Elizabeth A.\*; Henshall, Ronald S.\*; McGirr, Maureen E.\*  
DESCRIPTION : E-mail reflecting legal advice and opinions regarding press release.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED IN PART; GRANTED IN PART  
SM\_REC\_EXPL : Whole e-mail thread is not listed on the privilege log. First message-DENIED. Message sent to many for comment-not primarily for legal advice or assistance. Last message-GRANTED.

BOX\_NUM : 4  
FOLDERNO : 8

Document 310 of 501

BATES\_RANGE : MRK-AKU0012875-MRK-AKU0012881  
ATTACHMENTS : Attached to MRK-AKU0012874-MRK-AKU0012874  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 01/18/02  
AUTHOR : Trinkle, Robert P.\*  
RECIPIENT : Cromley, David W.\*; Lahner, Joanne\*; Bigley, Frank P.\*; Ralls-Morrison, Desiree Ann\*; Gregory, Suzanne M.\*; Giuliani, Elizabeth A.\*; Olson, R. Brent\*; Powell, Elizabeth A.\*; Henshall, Ronald S.\*; McGirr, Maureen E.\*  
DESCRIPTION : Draft standby statement reflecting legal advice and opinions regarding Merck earnings.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED IN PART; GRANTED IN PART  
SM\_REC\_EXPL : Attachment to a mixed purpose communication is not privileged but the attached comments of a lawyer may be redacted before production.

BOX\_NUM : 4  
FOLDERNO : 8

Document 311 of 501

BATES\_RANGE : MRK-AKU0020219-MRK-AKU0020220  
ATTACHMENTS : Attaching MRK-AKU0020224-MRK-AKU0020227  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/01/02  
AUTHOR : Robinson, Brenda  
RECIPIENT : McGirr, Maureen E.\*; Lahner, Joanne\*; Gregory, Suzanne M.\*; Cromley, David W.\*; Powell, Elizabeth A.\*  
DESCRIPTION : E-mail reflecting a request for legal advice and opinions regarding product sections of briefing book.

W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED

BOX\_NUM : 4  
FOLDERNO : 8

Document 312 of 501

BATES\_RANGE : MRK-AKU0020224-MRK-AKU0020227  
ATTACHMENTS : Attached to MRK-AKU0020219-MRK-AKU0020220  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/01/02

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AUTHOR : Chitty, Dawn  
RECIPIENT : Gregory, Suzanne M.\*; Benezra-Kurshan, Diane; Bunt, Christine; Bold, Thomas M.; Truitt, Ken E.; Cohn, Judy; Loran, Bea cc: Lahner, Joanne\*; White, Barbara A.\*; Ruef, Tim F.; Reicin, Alise S.; Simpson, Sandra L.; plus others from distribution list.  
DESCRIPTION : Draft internal document reflecting a request for legal advice and opinions regarding VIOXX key messages.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 4  
FOLDERNO : 8

Document 313 of 501

BATES\_RANGE : MRK-AKU0079351-MRK-AKU0079353  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 11/29/01  
AUTHOR : Gertz, Barry; Reicin, Alise S.  
RECIPIENT : Lahner, Joanne\*  
DESCRIPTION : Draft news release with handwritten comments reflecting legal advice and opinions regarding a Merck cardiovascular outcomes study.

W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 4  
FOLDERNO : 8

Document 314 of 501

BATES\_RANGE : MRK-AKU0079506-MRK-AKU0079508  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 11/29/01  
AUTHOR : Reicin, Alise; Gertz, Barry  
RECIPIENT : Lahner, Joanne\*  
DESCRIPTION : Draft news release with handwritten comments reflecting a request for legal advice and opinions regarding a Merck cardiovascular outcomes study.

W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 4  
FOLDERNO : 8

Document 315 of 501

BATES\_RANGE : MRK-AKU0099635-MRK-AKU0099635  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : Undated  
AUTHOR : Kim, Peter  
RECIPIENT : Lahner, Joanne\*  
DESCRIPTION : Draft letter reflecting a request for legal advice and opinions regarding a response to a New York Times article on the Vioxx withdrawal.

W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 4  
FOLDERNO : 8

Document 316 of 501

BATES\_RANGE : MRK-ANK0030731-MRK-ANK0030731  
ATTACHMENTS : Attaching MRK-ANK0030735-MRK-ANK0030741 Attaching MRK-ANK0030734-MRK-ANK0030734 Attaching MRK-ANK0030732-MRK-ANK0030733  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 03/26/00  
AUTHOR : Basaman, Mary E.  
RECIPIENT : Frazier, Kenneth C.\*; Slater, Eve; Reicin, Alise S. cc: Distlerath, Linda M.; Hirsch, Laurence J.;

Special Master Recommended Ruling - PSC "600"

Weiner, Jan D.; Kaufman, Art; Reaves, Gregory; Skidmore, Janet G.; Levine, Laura J.  
DESCRIPTION : E-mail reflecting a request for legal advice and opinions regarding draft VIGOR materials.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED  
SM\_REC\_EXPL : E-mail and attachment were sent to one lawyer and many others. Not primarily for legal advice or assistance.  
BOX\_NUM : 4  
FOLDERNO : 8

Document 317 of 501

BATES\_RANGE : MRK-ANK0030732-MRK-ANK0030733  
ATTACHMENTS : Attached to MRK-ANK0030731-MRK-ANK0030731  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 03/26/00  
AUTHOR : Basaman, Mary E.  
RECIPIENT : Frazier, Kenneth C.\*; Slater, Eve; Reicin, Alise S. cc: Distlerath, Linda M.; Hirsch, Laurence J.; Weiner, Jan D.; Kaufman, Art; Reaves, Gregory; Skidmore, Janet G.; Levine, Laura  
DESCRIPTION : Draft press release reflecting a request for legal advice and opinions regarding GI outcomes study.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED  
SM\_REC\_EXPL : E-mail and attachment were sent to one lawyer and many others. Not primarily for legal advice or assistance.  
BOX\_NUM : 4  
FOLDERNO : 8

Document 318 of 501

BATES\_RANGE : MRK-ANK0030734-MRK-ANK0030734  
ATTACHMENTS : Attached to MRK-ANK0030731-MRK-ANK0030731  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 03/26/00  
AUTHOR : Basaman, Mary Elizabeth  
RECIPIENT : Frazier, Kenneth C.\*; Slater, Eve; Reicin, Alise S. cc: Distlerath, Linda M.; Hirsch, Laurence J.; Weiner, Jan D.; Kaufman, Art; Reaves, Gregory; Skidmore, Janet G.; Levine, Laura  
DESCRIPTION : Chart reflecting a request for legal advice and opinions regarding VIGOR key messages.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED  
SM\_REC\_EXPL : E-mail and attachment were sent to one lawyer and many others. Not primarily for legal advice or assistance.  
BOX\_NUM : 4  
FOLDERNO : 8

Document 319 of 501

BATES\_RANGE : MRK-ANK0030735-MRK-ANK0030741  
ATTACHMENTS : Attached to MRK-ANK0030731-MRK-ANK0030731  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 03/26/00  
AUTHOR : Basaman, Mary Elizabeth  
RECIPIENT : Frazier, Kenneth C.\*; Slater, Eve; Reicin, Alise S. cc: Distlerath, Linda M.; Hirsch, Laurence J.; Weiner, Jan D.; Kaufman, Art; Reaves, Gregory; Skidmore, Janet G.; Levine, Laura  
DESCRIPTION : Draft Q&A reflecting a request for legal advice and opinions regarding VIGOR press release.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED  
SM\_REC\_EXPL : E-mail and attachment were sent to one lawyer and many others. Not primarily for legal advice or assistance.  
BOX\_NUM : 4  
FOLDERNO : 8

Special Master Recommended Ruling - PSC "600"

Document 320 of 501

BATES\_RANGE : MRK-ANK0030746-MRK-ANK0030747  
ATTACHMENTS : Attaching MRK-ANK0030748-MRK-ANK0030754  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 03/26/00  
AUTHOR : Distlerath, Linda; incorporating e-mail from Lahner, Joanne\*  
RECIPIENT : Frazier, Kenneth C.\*; Slater, Eve; Reicin, Alise S. cc: Kaufman, Art; Blake, Mary Elizabeth; Hirsch, Laurence J.  
DESCRIPTION : E-mail reflecting a request for legal advice and opinions regarding VIGOR Q&A.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 4  
FOLDERNO : 8

Document 321 of 501

BATES\_RANGE : MRK-ANK0030748-MRK-ANK0030754  
ATTACHMENTS : Attached to MRK-ANK0030746-MRK-ANK0030747  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 03/26/00  
AUTHOR : Distlerath, Linda  
RECIPIENT : Frazier, Kenneth C.\*; Slater, Eve; Reicin, Alise S. cc: Kaufman, Art; Blake, Mary Elizabeth; Hirsch, Laurence J.  
DESCRIPTION : Draft Q & A reflecting a request for legal advice and opinions of Lahner, Joanne\* regarding VIGOR Q&A.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 4  
FOLDERNO : 8

Document 322 of 501

BATES\_RANGE : MRK-ANK0037480-MRK-ANK0037486  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 03/26/00  
AUTHOR : Basaman, Mary Elizabeth  
RECIPIENT : Frazier, Kenneth C.\*; Slater, Eve; Reicin, Alise S. cc: Distlerath, Linda; Hirsch, Laurence J.; Weiner, Jan D.; Reaves, Gregory; Skidmore, Janet; Jordan, Laura J.  
DESCRIPTION : Q&A reflecting a request for legal advice and opinions regarding VIGOR study.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED  
SM\_REC\_EXPL : E-mail and attachment were sent to one lawyer and many others. Not primarily for legal advice or assistance.  
BOX\_NUM : 4  
FOLDERNO : 8

Document 323 of 501

BATES\_RANGE : MRK-ANK0037491-MRK-ANK0037492  
ATTACHMENTS : Attaching MRK-ANK0037493-MRK-ANK0037499  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 03/26/00  
AUTHOR : Distlerath, Linda; incorporating an e-mail from Lahner, Joanne\*  
RECIPIENT : Frazier, Kenneth C.\*; Slater, Eve; Reicin, Alise S. cc: Kaufman, Art; Basaman, Mary Elizabeth; Hirsch, Laurence J.  
DESCRIPTION : E-mail reflecting legal advice and opinions regarding Q&A dealing with VIGOR study.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 4  
FOLDERNO : 8

Document 324 of 501

BATES\_RANGE : MRK-ANK0037493-MRK-ANK0037499  
ATTACHMENTS : Attached to MRK-ANK0037491-MRK-ANK0037492  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 03/26/00  
AUTHOR : Distlerath, Linda  
RECIPIENT : Frazier, Kenneth C.\*; Slater, Eve; Reicin, Alise S. cc: Kaufman, Art; Basaman, Mary Elizabeth; Hirsch, Laurence J.  
DESCRIPTION : Draft Q&A reflecting a request for legal advice and opinions of Lahner, Joanne\* regarding VIGOR study.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 4  
FOLDERNO : 8

Document 325 of 501

BATES\_RANGE : MRK-ARF0103226-MRK-ARF0103227  
ATTACHMENTS : Attaching MRK-ARF0103228-MRK-ARF0103229  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 10/25/00  
AUTHOR : Yellin, Michael J.  
RECIPIENT : Roberts, Rick M. cc: Gregory, Suzanne M.\*; Reicin, Alise S.  
DESCRIPTION : E-mail reflecting legal advice and opinions regarding confidentiality agreement.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 4  
FOLDERNO : 8

Document 326 of 501

BATES\_RANGE : MRK-ARF0103228-MRK-ARF0103229  
ATTACHMENTS : Attached to MRK-ARF0103226-MRK-ARF0103227  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 10/25/00  
AUTHOR : Yellin, Michael J.  
RECIPIENT : Roberts, Rick M. cc: Gregory, Suzanne M.\*; Reicin, Alise S.  
DESCRIPTION : Draft internal document reflecting legal advice and opinions regarding confidentiality agreement.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 4  
FOLDERNO : 8

Document 327 of 501

BATES\_RANGE : MRK-AAA0078976-MRK-AAA0078976  
ATTACHMENTS : Attaching MRK-AAA0078977-MRK-AAA0078977  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 01/11/02  
AUTHOR : Chakhov, Iouri  
RECIPIENT : Connors, Laurine G.; DiBattiste, Peter M.; Morrison, Briggs W.  
DESCRIPTION : E-mail reflecting legal advice and opinions regarding study consent forms.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : GRANTED  
SM\_REC\_EXPL : Granted as redacted.  
BOX\_NUM : 5  
FOLDERNO : 14

Document 328 of 501

BATES\_RANGE : MRK-AAA0078977-MRK-AAA0078977  
ATTACHMENTS : Attached to MRK-AAA0078976-MRK-AAA0078976  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 01/11/02  
AUTHOR : Chakhov, Iouri  
RECIPIENT : Connors, Laurine G.; DiBattiste, Peter M.; Morrison, Briggs W.  
DESCRIPTION : Draft memorandum reflecting client confidences and legal opinions of counsel in Scandinavia.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
SM\_REC\_EXPL : Granted as redacted.  
BOX\_NUM : 5  
FOLDERNO : 14

Document 329 of 501

BATES\_RANGE : MRK-AAA0080367-MRK-AAA0080367  
ATTACHMENTS : Attaching MRK-AAA0080368-MRK-AAA0080369  
PRIV\_CLAIM : Attorney-Client Privilege and Work Product  
DATE : 02/21/02  
AUTHOR : Lewis, Suzanne M. Gregory\*  
RECIPIENT : Bain, Raymond P.; Barr, Eliav; Blois, David W.; Braunstein, Ned S.; Distlerath, Linda M; Gertz, Barry J.; Goldmann, Bonnie J; Guess, Harry A; Hostelley, Linda S; Jerman, Jo C.; Leitmeyer, John E.; cc: Lahner, Joanne\*; Loy, Tobi R.; Cabulong, Frederick X.  
DESCRIPTION : E-mail reflecting legal advice and opinions regarding litigation issues and preparatory measures taken in anticipation of litigation.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 5  
FOLDERNO : 13

Document 330 of 501

BATES\_RANGE : MRK-AAA0080368-MRK-AAA0080369  
ATTACHMENTS : Attached to MRK-AAA0080367-MRK-AAA0080367  
PRIV\_CLAIM : Attorney-Client Privilege and Work Product  
DATE : 02/21/02  
AUTHOR : Lewis, Suzanne M. Gregory\*  
RECIPIENT : Bain, R.; Barr, E.; Blois, D.; Braunstein, Ned; Distlerath, L.; Gertz, B.; Goldmann, B.; Guess, H.; Hostelley, L.; Jerman, Jo cc: Lahner, Joanne\*; Loy, Tobi\*; Cabulong, Frederick X.P.; Felicetta, Patrick plus others in the distribution  
DESCRIPTION : Memorandum reflecting legal advice and opinions regarding litigation issues and preparatory measures taken in anticipation of litigation.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 5  
FOLDERNO : 13

Document 331 of 501

BATES\_RANGE : MRK-AAA0083567-MRK-AAA0083567  
ATTACHMENTS : Attaching MRK-AAA0083568-MRK-AAA0083569  
PRIV\_CLAIM : Attorney-Client Privilege and Work Product  
DATE : 02/21/02  
AUTHOR : Lewis, Suzanne Gregory\*  
RECIPIENT : Bain, Raymond P.; Barr, Eliav; Blois, David W.; Braunstein, Ned S.; Distlerath, Linda M.; Gertz, Barry J.; Goldmann, Bonnie J.; Guess, Harry A.; Hostelley, Linda S.; Jerman, Jo C.; Leitmeyer, John E.; Morrison, Briggs W.; Nies, Alan S.; Oppenheimer, Leonard; Reicin, Alise S.; Reines, Scott A.; Silverman, Robert E.; Watson, Douglas J.; Weiner, Jan D. cc: Lahner, Joanne\*; Loy, Tobi R.\*; Cabulong, Frederick X. P.; plus others from distribution list  
DESCRIPTION : E-mail transmitting memorandum that reflects legal advice and opinions regarding litigation issues

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and preparatory measures taken in anticipation of litigation.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 5  
FOLDERNO : 13

Document 332 of 501

BATES\_RANGE : MRK-AAA0083568-MRK-AAA0083569  
ATTACHMENTS : Attached to MRK-AAA0083567-MRK-AAA0083567  
PRIV\_CLAIM : Attorney-Client Privilege and Work Product  
DATE : 02/21/02  
AUTHOR : Lewis, Suzanne Gregory\*  
RECIPIENT : Bain, R.; Barr, E.; Blois, D.; Braunstein, Ned; Distlerath, L.; Gertz, B.; Goldmann, B.; Guess, H.;  
Hostelley, L.; Jerman, Jo cc: Lahner, Joanne\*; Loy, Tobi\*; Cabulong, Frederick X.P.; Felicetta,  
Patrick plus others in the distribution  
DESCRIPTION : Memorandum reflecting legal advice and opinions regarding litigation issues and preparatory  
measures taken in anticipation of litigation.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 5  
FOLDERNO : 13

Document 333 of 501

BATES\_RANGE : MRK-AAC0059871-MRK-AAC0059871  
ATTACHMENTS : Attaching MRK-AAC0059874-MRK-AAC0059883 Attaching MRK-AAC0059872-MRK-  
AAC0059873  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 08/27/01  
AUTHOR : Truitt, Ken E.  
RECIPIENT : Silverman, Robert E. cc: Gertz, Barry J.; Morrison, Briggs W. W; Yellin, Michael J.; Wong, Peggy  
H.; St. Rose, Earl; Porras, Arturo G.; Bolognese, James A.; Altmeyer, Anne; Lahner, Joanne\*  
DESCRIPTION : E-mail reflecting legal advice and opinions of Lahner, J. regarding written request submission.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : GRANTED IN PART; DENIED IN PART  
SM\_REC\_EXPL : Redaction on p. 59871 - DENIED. It does not reveal the content of Lahner's coments.  
BOX\_NUM : 5  
FOLDERNO : 14

Document 334 of 501

BATES\_RANGE : MRK-AAC0059872-MRK-AAC0059873  
ATTACHMENTS : Attached to MRK-AAC0059871-MRK-AAC0059871  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 06/25/01  
AUTHOR : Truitt, Ken E.  
RECIPIENT : Silverman, Robert E.; Gertz, Barry J.; Morrison, Briggs W.; Yellin, Michael J.; Wong, Peggy H.; St.  
Rose, Earl; Porras, Arturo G.; Bolognese, James A.; Altmeyer, Anne; Lahner, Joanne\*  
DESCRIPTION : Draft correspondence reflecting legal advice and opinions of Lahner, Joanne\* on VIOXX trials and  
juvenile rheumatoid arthritis.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART; DENIED IN PART  
SM\_REC\_EXPL : Attachment to a mixed purpose communication is not privileged, but Merck may redact the lawyer's  
comments before the attachment is produced.  
BOX\_NUM : 5  
FOLDERNO : 14

Document 335 of 501

BATES\_RANGE : MRK-AAC0059874-MRK-AAC0059883

Special Master Recommended Ruling - PSC "600"

ATTACHMENTS : Attached to MRK-AAC0059871-MRK-AAC0059871  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 08/27/01  
AUTHOR : Truitt, Ken E.  
RECIPIENT : Silverman, Robert E. cc: Gertz, Barry J.; Morrison, Briggs W. W; Yellin, Michael J.; Wong, Peggy H.; St. Rose, Earl; Porras, Arturo G.; Bolognese, James A.; Altmeyer, Anne; Lahner, Joanne\*  
DESCRIPTION : Joanne Lahner's revisions of draft written request for pediatric exclusivity in the treatment of JRA..  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED  
SM\_REC\_EXPL : Granted as marked on p. 59871. Attachments - Denied because Lahner's comments have not been shown to be primarily legal.  
BOX\_NUM : 5  
FOLDERNO : 14

Document 336 of 501

BATES\_RANGE : MRK-AAC0059995-MRK-AAC0059996  
ATTACHMENTS : Attaching MRK-AAC0059997-MRK-AAC0059999  
PRIV\_CLAIM : Attorney-Client Privilege and Work Product  
DATE : 08/28/01  
AUTHOR : Fendelander, Helene C. on behalf of Nies, Alan, incorporating e-mail from Lahner, Joanne\*  
RECIPIENT : Boslego, John; Burek, Dennis; Chodakewitz, Jeffrey; Demopoulos, Laura A.; Ewanik, Daria; Gertz, Barry; Margolskee, Dorothy; Morrison, Briggs W.; Nies, Alan; Reicin, Alise; Reines, Scott; Reiss, Theodore; Sabbaj, Jacobo; Sadoff, Jerald; Schodel, Florian; Shaw, David; Simon, Thomas J.; Stoner, Elizabeth; Waldstreicher, Joanne cc: Baldassano, Betsy; Bielesch, Nancy; Busse, Jo-Ann; Degennaro, Pamela; Evans, Judith; plus others from distribution  
DESCRIPTION : E-mail transmitting memorandum reflecting legal advice and opinions regarding litigation issues and preparatory measures taken in anticipation of litigation.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 5  
FOLDERNO : 13

Document 337 of 501

BATES\_RANGE : MRK-AAC0059997-MRK-AAC0059999  
ATTACHMENTS : Attached to MRK-AAC0059995-MRK-AAC0059996  
PRIV\_CLAIM : Attorney-Client Privilege and Work Product  
DATE : 08/28/01  
AUTHOR : Lahner, Joanne\*  
RECIPIENT : Anstice, David W.; Sheares, Bradley T.; Dixon, Wendy L.; Beauchard, Lucine E.; Mills, Tracy L.; Cannell, Thomas R.; El-Dada, Riad H.; Park, Kimberly A.; Davidovic, David L.; Wicks, Nancy; McKeever, Jeffrey D.; plus others from distribution cc: Colbert, Celia\*; Frazier, Kenneth\*; Hacker, Michael\*; Henshall, Ronald\*; Lewis, Sue\*; Matukaitis, Paul\*; McGuire, Richard\*; Steinbugler, Kathryn\*; Weinstein, Bert I.\*  
DESCRIPTION : Memorandum reflecting legal advice and opinions regarding document retention. .  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 5  
FOLDERNO : 13

Document 338 of 501

BATES\_RANGE : MRK-AAC0071913-MRK-AAC0071914  
PRIV\_CLAIM : Attorney-Client Privilege and Work Product  
DATE : 11/22/01  
AUTHOR : Reicin, Alise S.  
RECIPIENT : Gertz, Barry J.  
DESCRIPTION : E-mail reflecting a request for Lahner, Joanne's\* legal advice and opinions regarding litigation issues and preparatory measures taken in anticipation of litigation.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : GRANTED

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SM\_REC\_EXPL : Granted as redacted.  
BOX\_NUM : 5  
FOLDERNO : 14

Document 339 of 501

BATES\_RANGE : MRK-AAC0094887-MRK-AAC0094887  
ATTACHMENTS : Attaching MRK-AAC0094888-MRK-AAC0094889  
PRIV\_CLAIM : Attorney-Client Privilege and Work Product  
DATE : 02/21/02  
AUTHOR : Lewis, Suzanne Gregory\*  
RECIPIENT : Bain, Raymond P.; Barr, Eliav; Blois, David W.; Braunstein, Ned S.; Distlerath, Linda M.; Gertz, Barry J.; Goldmann, Bonnie J.; Guess, Harry A.; Hostalley, Linda S.; Jerman, Jo C.; Leitmeyer, John E.; Morrison, Briggs W.; Nies, Alan S.; Oppenheimer, Leonard; Reicin, Alise S.; Reines, Scott A.; Silverman, Robert E.; Watson, Douglas J.; Weiner, Jan D. cc: Lahner, Joanne\*; Loy, Tobi R.\*; Cabulong, Frederick X. P.; Gilchrist, Cynthia L.; Moore, Charlotte S.; plus others from distribution  
DESCRIPTION : E-mail transmitting memorandum that reflects legal advice and opinions regarding litigation issues and preparatory measures taken in anticipation of litigation.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 5  
FOLDERNO : 13

Document 340 of 501

BATES\_RANGE : MRK-AAC0094888-MRK-AAC0094889  
ATTACHMENTS : Attached to MRK-AAC0094887-MRK-AAC0094887  
PRIV\_CLAIM : Attorney-Client Privilege and Work Product  
DATE : 02/21/02  
AUTHOR : Lewis, Suzanne Gregory\*  
RECIPIENT : Bain, R.; Barr, E.; Blois, D.; Braunstein, Ned; Distlerath, L.; Gertz, B.; Goldmann, B.; Guess, H.; Hostalley, L.; Jerman, Jo cc: Lahner, Joanne\*; Loy, Tobi\*; Cabulong, Frederick X.P.; Felicetta, Patrick plus others in the distribution  
DESCRIPTION : Memorandum reflecting legal advice and opinions regarding litigation issues and preparatory measures taken in anticipation of litigation.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 5  
FOLDERNO : 13

Document 341 of 501

BATES\_RANGE : MRK-AAD0065774-MRK-AAD0065775  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/09/02  
AUTHOR : Cannuscio, Carolyn C.; Cromley, David W.\*  
RECIPIENT : Greene, Douglas Alan cc: Guess, Harry A.; Gertz, Barry J.; Santanello, Nancy C.; Watson, Douglas J.; Honig, Peter K.; Bain, Raymond P.; Reicin, Alise S.; Silverman, Robert E.; Stinson, Diane L.  
DESCRIPTION : Memorandum reflecting client confidences and legal advice and opinions regarding research study contracts with Brigham and Women's Hospital.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART; DENIED IN PART  
SM\_REC\_EXPL : Message sent by both a lawyer and a non-lawyer. Not primarily concerned with providing legal advice -Denied. Paragraph entitled "Legal Risk" - Granted.  
BOX\_NUM : 5  
FOLDERNO : 14

Document 342 of 501

BATES\_RANGE : MRK-AAD0072566-MRK-AAD0072566

Special Master Recommended Ruling - PSC "600"

PRIV\_CLAIM : Attorney-Client Privilege and Work Product  
DATE : 11/28/01  
AUTHOR : Boice, Judith A.  
RECIPIENT : Lewis, Suzanne Gregory\* cc: Reicin, Alise S.; Lahner, Joanne\*  
DESCRIPTION : E-mail reflecting a request for legal advice and legal opinions regarding vioxx litigation issues and preparatory measures taken in anticipation of vioxx litigation.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 5  
FOLDERNO : 13

Document 343 of 501

BATES\_RANGE : MRK-AAD0076598-MRK-AAD0076598  
ATTACHMENTS : Attaching MRK-AAD0076600-MRK-AAD0076699 Attaching MRK-AAD0076599-MRK-AAD0076599

PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 11/21/01  
AUTHOR : DiBattiste, Peter M.  
RECIPIENT : Gertz, Barry J.; Reicin, Alise S.; Demopoulos, Laura A.; Henshall, Ronald S.\*  
DESCRIPTION : E-mail reflecting client confidences and a request for legal advice and opinions regarding draft presentation and draft memo re: CV outcomes and Vioxx.

W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED  
SM\_REC\_EXPL : Sent to many for comment. Message and attachment not primarily for legal advice or assistance. While the content of message specifically addresses the lawyer, it simply confirms that legal advice was being sought from Henshall, while non-legal assistance was being sought from several others. Therefore, the primary purpose for the communication was not legal advice. It was mixed.

BOX\_NUM : 5  
FOLDERNO : 14

Document 344 of 501

BATES\_RANGE : MRK-AAD0076599-MRK-AAD0076599  
ATTACHMENTS : Attached to MRK-AAD0076598-MRK-AAD0076598

PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 11/20/01  
AUTHOR : DiBattiste, Peter M.  
RECIPIENT : DMC; Henshall, Ronald S.\*  
DESCRIPTION : Memorandum reflecting client confidences and a request for legal advice and opinions regarding coxib study.

W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART; DENIED IN PART  
SM\_REC\_EXPL : Attachment to a mixed purpose communication is not privileged but the attached comments of a lawyer may be redacted before production.

BOX\_NUM : 5  
FOLDERNO : 14

Document 345 of 501

BATES\_RANGE : MRK-AAD0076600-MRK-AAD0076699  
ATTACHMENTS : Attached to MRK-AAD0076598-MRK-AAD0076598

PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 11/21/01  
AUTHOR : DiBattiste, Peter M.  
RECIPIENT : Gertz, Barry J.; Reicin, Alise S.; Demopoulos, Laura A.; Henshall, Ronald S.\*  
DESCRIPTION : Draft presentation reflecting a request for legal advice and opinions regarding COX-2 clinical trials.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART; DENIED IN PART

Special Master Recommended Ruling - PSC "600"

SM\_REC\_EXPL : Attachment to a mixed purpose communication is not privileged but the attached comments of a lawyer may be redacted before production.  
BOX\_NUM : 5  
FOLDERNO : 14

Document 346 of 501

BATES\_RANGE : MRK-AAD0077590-MRK-AAD0077590  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 12/04/01  
AUTHOR : Lahner, Joanne\*  
RECIPIENT : Reicin, Alise S.  
DESCRIPTION : E-mail reflecting legal advice and opinions regarding VIGOR.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 5  
FOLDERNO : 14

Document 347 of 501

BATES\_RANGE : MRK-AAD0083824-MRK-AAD0083824  
PRIV\_CLAIM : Attorney-Client Privilege and Work Product  
DATE : 11/28/01  
AUTHOR : Lewis, Suzanne Gregory\*  
RECIPIENT : Boice, Judith A. cc: Reicin, Alise S.; Lahner, Joanne\*  
DESCRIPTION : E-mail reflecting legal advice and opinions regarding litigation issues and preparatory measures in anticipation of litigation.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 5  
FOLDERNO : 13

Document 348 of 501

BATES\_RANGE : MRK-AAD0087782-MRK-AAD0087783  
PRIV\_CLAIM : Attorney-Client Privilege and Work Product  
DATE : 11/22/01  
AUTHOR : Reicin, Alise S.  
RECIPIENT : Gertz, Barry J.  
DESCRIPTION : E-mail reflecting a request for Lahner, Joanne's\* legal advice and opinions regarding litigation issues and preparatory measures taken in anticipation of litigation.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : GRANTED  
SM\_REC\_EXPL : Granted as redacted.  
BOX\_NUM : 5  
FOLDERNO : 14

Document 349 of 501

BATES\_RANGE : MRK-AAD0100188-MRK-AAD0100190  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 12/04/01  
AUTHOR : Reicin, Alise S.  
RECIPIENT : Boice, Judith A.  
DESCRIPTION : E-mail reflecting request for legal advice and opinions from Lahner, Joanne\* and Gregory, Suzanne M. Lewis\* regarding litigation issues and preparatory measures taken in anticipation of litigation.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED  
SM\_REC\_EXPL : Whole e-mail thread has not been listed on the privilege log. None of the 12 e-mail messages are written by or addressed to an attorney. None reveal prior advice received.

Content of a few messages mentions lawyers by name, but no legal advice is disclosed.  
Complaining about not having heard from the lawyers is not a protected communication.

BOX\_NUM : 5  
FOLDERNO : 13

Document 350 of 501

BATES\_RANGE : MRK-AAD0106930-MRK-AAD0106932  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 03/19/01  
AUTHOR : Shapiro, Deborah R.  
RECIPIENT : Roberts, Rick M.; Rode, Robert J. cc: Kosiorek, Russell; Reicin, Alise S.; Brett, Christopher T.;  
Watson, Douglas J.  
DESCRIPTION : E-mail reflecting the legal advice and opinion of Lahner, Joanne\* regarding slide presentation for  
VIGOR.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : GRANTED IN PART; DENIED IN PART  
SM\_REC\_EXPL : Redaction on p. 106931, denied from beginning through "disease." Granted from "but Joanne...  
BOX\_NUM : 5  
FOLDERNO : 14

Document 351 of 501

BATES\_RANGE : MRK-AAD0111835-MRK-AAD0111835  
ATTACHMENTS : Attaching MRK-AAD0111836-MRK-AAD0111839  
PRIV\_CLAIM : Attorney-Client Privilege and Work Product  
DATE : 11/16/01  
AUTHOR : Lahner, Joanne\*  
RECIPIENT : Anstice, David W.; Barr, Eliav; Beauchard, Lucine E.; Benezra-Kurshan, Diane; Bissett, Robert T.\*;  
Block, Gilbert A.; Blois, David W.; Bold, Thomas M.; Bolognese, James A.; Brady, Leo M.; Cannell,  
Thomas R.; Casola, Tom M.; Chitty, Dawn; Curtis, Sean P.;  
DESCRIPTION : E-mail transmitting memorandum that reflects legal advice and opinions regarding litigation issues  
and preparatory measures taken in anticipation of litigation.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
SM\_REC\_EXPL : Attorney-Client Privilege and Work Product - GRANTED  
BOX\_NUM : 5  
FOLDERNO : 13

Document 352 of 501

BATES\_RANGE : MRK-AAD0111836-MRK-AAD0111839  
ATTACHMENTS : Attached to MRK-AAD0111835-MRK-AAD0111835  
PRIV\_CLAIM : Attorney-Client Privilege and Work Product  
DATE : 11/16/01  
AUTHOR : Lahner, Joanne\*  
RECIPIENT : Anstice, David W.; Sheares, Bradley T.; Beauchard, Lucine E.; Mills, Tracy L.; Cannell, Thomas R.;  
El- Dada, Riad H.; Park, Kimberly A.; Davidovic, David L.; Wicks, Nancy; McKeever, Jeffrey D;  
Bissett, Robert T.\*; plus others from Distribution list cc: Boulware-Miller, Kay\*; Colbert, Celia A.\*;  
Dalton, Daniel J.\*; Frazier, Kenneth C.\*; Glasser, Harold A.\*; Hacker, Michael A.\*; Henshall,  
Ronald S.\*; Lewis, Suzanne M. Gregory\*; Matukaitis, Paul D.\*; McGuire, Richard P.\*; Quinlan,  
Michael D.\*; Sodomora, Shirley E.\*; Steinbugler, Kathryn\*; Weinstein, Bert I.\*; Loy, Tobi R.\*;  
Frangiose, Diane\*  
DESCRIPTION : Memorandum reflecting legal advice and opinions regarding litigation issues and preparatory  
measures taken in anticipation of litigation.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
SM\_REC\_EXPL : Attorney-Client Privilege and Work Product - GRANTED  
BOX\_NUM : 5  
FOLDERNO : 13

Document 353 of 501

BATES\_RANGE : MRK-AAX0009749-MRK-AAX0009749  
ATTACHMENTS : Attaching MRK-AAX0009750-MRK-AAX0009751  
PRIV\_CLAIM : Attorney-Client Privilege and Work Product  
DATE : 02/21/02  
AUTHOR : Lewis, Suzanne Gregory\*  
RECIPIENT : Bain, Raymond P.; Barr, Eliav; Blois, David W.; Braunstein, Ned S.; Distlerath, Linda M.; Gertz, Barry J.; Goldmann, Bonnie J.; Guess, Harry A.; Hostalley, Linda S.; Jerman, Jo C.; Leitmeyer, John E.; Morrison, Briggs W.; Nies, Alan S.; Oppenheimer, Leonard; Reicin, Alise S.; Reines, Scott A.; Silverman, Robert E.; Watson, Douglas J.; Weiner, Jan D. cc: Lahner, Joanne\*; Loy, Tobi R.\*; Cabulong, Frederick X. P.; Gilchrist, Cynthia L.; Moore, Charlotte S.; Wuest, Anita; Inoa-Gonzalez, Carmen; Scanlon, Jeannette M.; Donis, Marilyn B.; Spritzler, Christine M.; Lucas, Krista R.; Wheelock, Judy L.; Ward, Jody L.; Way, Judith T.; Bielesch, Nancy A.; Russo, Elaine M.; Devlin, Patricia; Stauffer, Kevin M.; Zakrzewski, Debra A.; Felicetta, C. Patrick; plus others from distribution  
DESCRIPTION : E-mail reflecting legal advice and opinions regarding litigation issues and preparatory measures taken in anticipation of Vioxx litigation.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 5  
FOLDERNO : 13

Document 354 of 501

BATES\_RANGE : MRK-AAX0009750-MRK-AAX0009751  
ATTACHMENTS : Attached to MRK-AAX0009749-MRK-AAX0009749  
PRIV\_CLAIM : Attorney-Client Privilege and Work Product  
DATE : 02/21/02  
AUTHOR : Lewis, Suzanne Gregory\*  
RECIPIENT : Bain, R.; Barr, E.; Blois, D.; Braunstein, Ned; Distlerath, L.; Gertz, B.; Goldmann, B.; Guess, H.; Hostalley, L.; Jerman, Jo cc: Lahner, Joanne\*; Loy, Tobi\*; Cabulong, Frederick X.P.; Felicetta, Patrick plus others in the distribution  
DESCRIPTION : Memorandum reflecting legal advice and opinions regarding litigation issues and preparatory measures taken in anticipation of litigation.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 5  
FOLDERNO : 13

Document 355 of 501

BATES\_RANGE : MRK-AAZ0003249-MRK-AAZ0003249  
ATTACHMENTS : Attaching MRK-AAZ0003250-MRK-AAZ0003250  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 11/21/01  
AUTHOR : DiBattiste, Peter M.  
RECIPIENT : Demopoulos, Laura A.; Gertz, Barry J.; Henshall, Ronald S.\*; Reicin, Alise S.  
DESCRIPTION : E-mail reflecting client confidences and a request for legal advice and opinions regarding draft presentation and draft memo re: CV outcomes and Vioxx.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED  
SM\_REC\_EXPL : Sent to many for comment. Message and attachment not primarily for legal advice or assistance. While the content of message specifically addresses the lawyer, it simply confirms that legal advice was being sought from Henshall, while non-legal assistance was being sought from several others. Therefore, the primary purpose for the communication was not legal advice. It was mixed.  
BOX\_NUM : 5  
FOLDERNO : 14

Special Master Recommended Ruling - PSC "600"

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BATES\_RANGE : MRK-AAZ0003250-MRK-AAZ0003250  
ATTACHMENTS : Attached to MRK-AAZ0003249-MRK-AAZ0003249  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 11/20/01  
AUTHOR : DiBattiste, Peter M.  
RECIPIENT : DMC; Henshall, Ronald S.\*  
DESCRIPTION : Memorandum reflecting a request for legal advice and opinions regarding coxib studies.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART; DENIED IN PART  
SM\_REC\_EXPL : Attachment to a mixed purpose communication is not privileged but the attached comments of a lawyer may be redacted before production.  
BOX\_NUM : 5  
FOLDERNO : 14

Document 357 of 501

BATES\_RANGE : MRK-ABC0050945-MRK-ABC0050946  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/24/02  
AUTHOR : Keyser, Janet M.  
RECIPIENT : Blois, David W. cc: Nies, Alan S.; Greene, Douglas Alan; Sabbaj, Jacobo; Guerra, Jorge G.; de Jesus, Daniel G.; Olson, R. Brent\*; Ditzler, Warren D.; Honig, Peter K.; Sanjuan, Nelly P.; Keyser, Janet M.; Lahner, Joanne\*  
DESCRIPTION : E-mail reflecting a request for legal advice and opinions regarding VIGOR study issues.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : GRANTED  
SM\_REC\_EXPL : Granted as redacted.  
BOX\_NUM : 5  
FOLDERNO : 14

Document 358 of 501

BATES\_RANGE : MRK-ABK0483708-MRK-ABK0483709  
ATTACHMENTS : Attaching MRK-ABK0483710-MRK-ABK0483729  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/09/02  
AUTHOR : Cannuscio, Carolyn C.; Cromley, David W.\*  
RECIPIENT : Greene, Douglas Alan cc: Guess, Harry A.; Gertz, Barry J.; Santanello, Nancy C.; Watson, Douglas J.; Honig, Peter K.; Bain, Raymond P.; Stinson, Diane L.  
DESCRIPTION : Memorandum reflecting legal advice and opinions regarding research study agreement with Ingenix Pharmaceutical Services.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART; DENIED IN PART  
SM\_REC\_EXPL : Message and attachments sent by both a lawyer and a non-lawyer. Not primarily concerned with providing legal advice -Denied.  
Paragraph entitled "Legal Risk" - Granted.  
BOX\_NUM : 5  
FOLDERNO : 14

Document 359 of 501

BATES\_RANGE : MRK-ABK0483710-MRK-ABK0483729  
ATTACHMENTS : Attached to MRK-ABK0483708-MRK-ABK0483709  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 10/08/01  
AUTHOR : Cannuscio, Carolyn C.; Cromley, David W.\*  
RECIPIENT : Greene, Douglas Alan cc: Guess, Harry A.; Gertz, Barry J.; Santanello, Nancy C.; Watson, Douglas J.; Honig, Peter K.; Bain, Raymond P.; Stinson, Diane L.  
DESCRIPTION : Report reflecting legal advice and opinions regarding COX-2 study.  
W\_HELD\_REDAC : Entire document.

Special Master Recommended Ruling - PSC "600"

SM\_REC : GRANTED IN PART; DENIED IN PART  
SM\_REC\_EXPL : Attachment to a mixed purpose communication is not privileged but the attached comments of a lawyer may be redacted before production.  
BOX\_NUM : 5  
FOLDERNO : 14

Document 360 of 501

BATES\_RANGE : MRK-ABS0377486-MRK-ABS0377493  
PRIV\_CLAIM : Attorney-Client Privilege and Work Product  
DATE : 03/20/02  
AUTHOR : Bielesch, Nancy A. incorporating email from Olson, Brent R.\* cc to Zettlemoyer, Christine M.\*; Dalton, Daniel J.\*  
RECIPIENT : To: Adamsons, Ingrid A; Alexander, Robert C; Ball, William Austin; Beck, Klaus D.; Brackett, Laura Ellen; Horgan, Kevin J; Lawson, Francesca; Maller, Eric S.; Morrison, Mary; Oxenius, Bettina; Reines, Scott A.; Simon, Thomas J.; Visser, W. Hester; Yuen, Eric; plus others from distribution list cc: Veneziale, Cathy; Baldassano, Elizabeth L.; Bielesch, Nancy A.; Eddowes, Susanne E.; Fleishman, Joan L.  
DESCRIPTION : E-mail reflecting legal advice and opinions regarding litigation issues and preparatory measures taken in anticipation of litigation.

W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 5  
FOLDERNO : 13

Document 361 of 501

BATES\_RANGE : MRK-ABT0077939-MRK-ABT0077939  
ATTACHMENTS : Attaching MRK-ABT0077940-MRK-ABT0077941  
PRIV\_CLAIM : Attorney-Client Privilege and Work Product  
DATE : 02/21/02  
AUTHOR : Lewis, Suzanne Gregory\*  
RECIPIENT : Bain, Raymond P.; Barr, Eliav; Blois, David W.; Braunstein, Ned S.; Distlerath, Linda M.; Gertz, Barry J.; Goldmann, Bonnie J.; Guess, Harry A.; Hostelley, Linda S.; Jerman, Jo C.; Leitmeyer, John E.; Morrison, Briggs W.; Nies, Alan S.; Oppenheimer, Leonard; plus others from distribution list cc: Lahner, Joanne\*; Loy, Tobi R.\*; Cabulong, Frederick X. P.; Gilchrist, Cynthia L.; Moore, Charlotte S.; plus others from distribution list  
DESCRIPTION : E-mail transmitting memorandum reflecting legal advice and opinions regarding litigation issues and preparatory measures taken in anticipation of Vioxx litigation.

W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 5  
FOLDERNO : 13

Document 362 of 501

BATES\_RANGE : MRK-ABT0077940-MRK-ABT0077941  
ATTACHMENTS : Attached to MRK-ABT0077939-MRK-ABT0077939  
PRIV\_CLAIM : Attorney-Client Privilege and Work Product  
DATE : 02/21/02  
AUTHOR : Lewis, Suzanne Gregory\*  
RECIPIENT : Bain, R.; Barr, E.; Blois, D.; Braunstein, Ned; Distlerath, L.; Gertz, B.; Goldmann, B.; Guess, H.; Hostelley, L.; Jerman, Jo cc: Lahner, Joanne\*; Loy, Tobi\*; Cabulong, Frederick X.P.; Felicetta, Patrick plus others in the distribution  
DESCRIPTION : Memorandum reflecting legal advice and opinions regarding litigation issues and preparatory measures taken in anticipation of litigation.

W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 5  
FOLDERNO : 13

Special Master Recommended Ruling - PSC "600"

Document 363 of 501

BATES\_RANGE : MRK-ABY0071677-MRK-ABY0071677  
ATTACHMENTS : Attaching MRK-ABY0071678-MRK-ABY0071679  
PRIV\_CLAIM : Attorney-Client Privilege and Work Product  
DATE : 02/21/02  
AUTHOR : Lewis, Suzanne Gregory\*  
RECIPIENT : Bain, Raymond P.; Barr, Eliav; Blois, David W.; Braunstein, Ned S.; Distlerath, Linda M.; Gertz, Barry J.; Goldmann, Bonnie J.; Guess, Harry A.; Hostalley, Linda S.; Jerman, Jo C.; Leitmeyer, John E.; Morrison, Briggs W.; Nies, Alan S.; Oppenheimer, Leonard; Reicin, Alise S.; Reines, Scott A.; Silverman, Robert E.; Watson, Douglas J.; Weiner, Jan D. cc: Lahner, Joanne\*; Loy, Tobi R.\*; Cabulong, Frederick X. P.; plus others from distribution list  
DESCRIPTION : E-mail reflecting legal advice and opinions regarding litigation issues and preparatory measures taken in anticipation of Vioxx litigation.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 5  
FOLDERNO : 13

Document 364 of 501

BATES\_RANGE : MRK-ABY0071678-MRK-ABY0071679  
ATTACHMENTS : Attached to MRK-ABY0071677-MRK-ABY0071677  
PRIV\_CLAIM : Attorney-Client Privilege and Work Product  
DATE : 02/21/02  
AUTHOR : Lewis, Suzanne Gregory\*  
RECIPIENT : Bain, R.; Barr, E.; Blois, D.; Braunstein, Ned; Distlerath, L.; Gertz, B.; Goldmann, B.; Guess, H.; Hostalley, L.; Jerman, Jo cc: Lahner, Joanne\*; Loy, Tobi\*; Cabulong, Frederick X.P.; Felicetta, Patrick plus others from distribution list  
DESCRIPTION : Memorandum reflecting legal advice and opinions regarding litigation issues and preparatory measures taken in anticipation litigation.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 5  
FOLDERNO : 13

Document 365 of 501

BATES\_RANGE : MRK-ACD0035199-MRK-ACD0035199  
ATTACHMENTS : Attaching MRK-ACD0035200-MRK-ACD0035201  
PRIV\_CLAIM : Attorney-Client Privilege and Work Product  
DATE : 02/21/02  
AUTHOR : Lewis, Suzanne Gregory\*  
RECIPIENT : Lahner, Jaonne\* Loy, Tobi R\* Spritzler, Christine M. Ward, Jody L Stauffer, Kevin M. Blois, David W. Oppenheimer, Leonard Leitmeyer, John E. Reines, Scott A. Bain, Raymond P. Barr, Eliav Watson, Douglas J. Weiner, Jan D. Reicin, Alise S.; plus others from distribution list  
DESCRIPTION : E-mail reflecting legal advice and opinions regarding litigation issues and preparatory measures taken in anticipation of Vioxx litigation.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 5  
FOLDERNO : 13

Document 366 of 501

BATES\_RANGE : MRK-ACD0035200-MRK-ACD0035201  
ATTACHMENTS : Attached to MRK-ACD0035199-MRK-ACD0035199  
PRIV\_CLAIM : Attorney-Client Privilege and Work Product  
DATE : 02/21/02  
AUTHOR : Lewis, Suzanne Gregory\*  
RECIPIENT : Bain, R.; Barr, E.; Blois, D.; Braunstein, Ned; Distlerath, L.; Gertz, B.; Goldmann, B.; Guess, H.;

Special Master Recommended Ruling - PSC "600"

Hostelley, L.; Jerman, Jo cc: Lahner, Joanne\*; Loy, Tobi\*; Cabulong, Frederick X.P.; Felicetta, Patrick plus others in the distribution  
DESCRIPTION : Memorandum reflecting legal advice and opinions regarding litigation issues and preparatory measures taken in anticipation of litigation.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 5  
FOLDERNO : 13

Document 367 of 501

BATES\_RANGE : MRK-ACF0003432-MRK-ACF0003433  
ATTACHMENTS : Attaching MRK-ACF0003434-MRK-ACF0003437  
PRIV\_CLAIM : Attorney-Client Privilege and Work Product  
DATE : 11/17/01  
AUTHOR : Barr, Eliav incorporating email from Lahner, Joanne\*  
RECIPIENT : Kirk, Christine M.  
DESCRIPTION : E-mail reflecting legal advice and opinions regarding litigation issues and preparatory measures taken in anticipation of litigation.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 5  
FOLDERNO : 13

Document 368 of 501

BATES\_RANGE : MRK-ACF0003434-MRK-ACF0003437  
ATTACHMENTS : Attached to MRK-ACF0003432-MRK-ACF0003433  
PRIV\_CLAIM : Attorney-Client Privilege and Work Product  
DATE : 11/16/01  
AUTHOR : Lahner, Joanne\*  
RECIPIENT : Anstice, David W.; Sheares, Bradley T.; Beauchard, Lucine E.; Mills, Tracy L.; Cannell, Thomas R.; El- Dada, Riad H.; Park, Kimberly A.; Davidovic, David L.; Wicks, Nancy; McKeever, Jeffrey D.; Bissett, Robert T.\*; plus others from Distribution list cc: Boulware-Miller, Kay\*; Colbert, Celia A.\*; Dalton, Daniel J.\*; Frazier, Kenneth C.\*; Glasser, Harold A.\*; Hacker, Michael A.\*; Henshall, Ronald S.\*; Lewis, Suzanne M. Gregory\*; Matukaitis, Paul D.\*; McGuire, Richard P.\*; Quinlan, Michael D.\*; Sodomora, Shirley E.\*; Steinbugler, Kathryn\*; Weinstein, Bert I.\*; Loy, Tobi R.\*; Frangiose, Diane\*  
DESCRIPTION : Memorandum reflecting legal advice and opinions regarding litigation issues and preparatory measures taken in anticipation of litigation.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 5  
FOLDERNO : 13

Document 369 of 501

BATES\_RANGE : MRK-ACQ0000304-MRK-ACQ0000305  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/09/02  
AUTHOR : Cannuscio, Carolyn C.; Cromley, David W.\*  
RECIPIENT : Greene, Douglas Alan cc: Guess, Harry A.; Gertz, Barry J.; Santanello, Nancy C.; Watson, Douglas J.; Honig, Peter K.; Bain, Raymond P.; Reicin, Alise S.; Silverman, Robert E.; Stinson, Diane L.  
DESCRIPTION : Memorandum reflecting client confidences and legal advice and opinions regarding research study contracts with Brigham and Women's Hospital.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART; DENIED IN PART  
SM\_REC\_EXPL : Message sent by both a lawyer and a non-lawyer. Not primarily concerned with providing legal

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advice -Denied. Paragraph entitled "Legal Risk" - Granted.  
BOX\_NUM : 5  
FOLDERNO : 14

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BATES\_RANGE : MRK-ACR0015456-MRK-ACR0015457  
ATTACHMENTS : Attaching MRK-ACR0015458-MRK-ACR0015460  
PRIV\_CLAIM : Attorney-Client Privilege and Work Product  
DATE : 08/28/01  
AUTHOR : Fendelander, Helene C., incorporating e-mail from Lahner, Joanne\*  
RECIPIENT : Boslego, John; Burek, Dennis; Chodakewitz, Jeffrey A.; Demopoulos, Laura A.; Ewanik, Daria;  
Gertz, Barry J.; Margolskee, Dorothy; Morrison, Briggs W.; Nies, Alan S.; Reicin, Alise S.; Reines,  
Scott A.; Reiss, Theodore F.; Sabbaj, Jacobo; Sadoff, Jerald; Schodel, Florian; Shaw, David;  
Simon, Thomas J.; Stoner, Elizabeth; Waldstreicher, Joanne plus others from distribution list  
DESCRIPTION : E-mail forwarding memorandum reflecting legal advice and opinions regarding litigation issues and  
preparatory measures taken in anticipation of litigation.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 5  
FOLDERNO : 13

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BATES\_RANGE : MRK-ACR0015458-MRK-ACR0015460  
ATTACHMENTS : Attached to MRK-ACR0015456-MRK-ACR0015457  
PRIV\_CLAIM : Attorney-Client Privilege and Work Product  
DATE : 08/28/01  
AUTHOR : Lahner, Joanne\*  
RECIPIENT : Anstice, David W.; Sheares, Bradley T.; Dixon, Wendy L.; Beauchard, Lucine E.; Mills, Tracy L.;  
Cannell, Thomas R.; El-Dada, Riad H.; Park, Kimberly A.; Davidovic, David L.; Wicks, Nancy;  
McKeever, Jeffrey D.; McKines, Charlotte O.; Casola, Tom M.; McKeon, Bernadette P.; plus others  
from distribution list cc: Colbert, Celia A.\*; Frazier, Kenneth C.\*; Hacker, Michael A.\*; Henshall,  
Ronald S.\*; Lewis, Suzanne M. Gregory\*; Matukaitis, Paul D.\*; McGuire, Richard P.\*; Steinbugler,  
Kathryn\*; Weinstein, Bert I.\*  
DESCRIPTION : Memorandum reflecting legal advice and opinions regarding litigation issues and preparatory  
measures taken in anticipation of litigation.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 5  
FOLDERNO : 13

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BATES\_RANGE : MRK-ACT0023980-MRK-ACT0023981  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/09/02  
AUTHOR : Cannuscio, Carolyn C.; Stinson, Diane L.  
RECIPIENT : Greene, Douglas Alan cc: Guess, Harry A.; Gertz, Barry J.; Santanello, Nancy C.; Watson,  
Douglas J.; Honig, Peter K.; Bain, Raymond P.; Cromley, David W.\*  
DESCRIPTION : Draft memorandum reflecting client confidences and a request for information in order to provide  
legal advice and legal opinions in anticipation of vioxx litigation.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART; DENIED IN PART  
SM\_REC\_EXPL : Message sent by both a lawyer and a non-lawyer. Not primarily concerned with providing legal  
advice -Denied. Paragraph entitled "Legal Risk" - Granted.  
BOX\_NUM : 5  
FOLDERNO : 14

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BATES\_RANGE : MRK-ACT0024037-MRK-ACT0024038  
ATTACHMENTS : Attaching MRK-ACT0024039-MRK-ACT0024058  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/09/02  
AUTHOR : Cannuscio, Carolyn C.; Cromley, David W.\*  
RECIPIENT : Greene, Douglas Alan cc: Guess, Harry A.; Gertz, Barry J.; Santanello, Nancy C.; Watson, Douglas J.; Honig, Peter K.; Bain, Raymond P.; Stinson, Diane L.  
DESCRIPTION : Memorandum reflecting legal advice and opinions regarding research study agreement with Ingenix Pharmaceutical Services.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART; DENIED IN PART  
SM\_REC\_EXPL : Message and attachments sent by both a lawyer and a non-lawyer. Not primarily concerned with providing legal advice -Denied.  
Paragraph entitled "Legal Risk" - Granted.  
BOX\_NUM : 5  
FOLDERNO : 14

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BATES\_RANGE : MRK-ACT0024039-MRK-ACT0024058  
ATTACHMENTS : Attached to MRK-ACT0024037-MRK-ACT0024038  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 10/08/01  
AUTHOR : Cannuscio, Carolyn C.; Cromley, David W.\*  
RECIPIENT : Greene, Douglas Alan cc: Guess, Harry A.; Gertz, Barry J.; Santanello, Nancy C.; Watson, Douglas J.; Honig, Peter K.; Bain, Raymond P.; Stinson, Diane L.  
DESCRIPTION : Report reflecting legal advice and opinions regarding COX-2 study.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART; DENIED IN PART  
SM\_REC\_EXPL : Attachment to a mixed purpose communication is not privileged but the attached comments of a lawyer may be redacted before production.  
BOX\_NUM : 5  
FOLDERNO : 14

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BATES\_RANGE : MRK-ACV0018507-MRK-ACV0018507  
ATTACHMENTS : Attaching MRK-ACV0018508-MRK-ACV0018509  
PRIV\_CLAIM : Attorney-Client Privilege and Work Product  
DATE : 02/21/02  
AUTHOR : Lewis, Suzanne M. Gregory\*  
RECIPIENT : Bain, Raymond P.; Barr, Eliav; Blois, David W.; Braunstein, Ned S.; Distlerath, Linda M.; Gertz, Barry J.; Goldmann, Bonnie J.; Guess, Harry A.; Hostalley, Linda S.; Jerman, Jo C.; Leitmeyer, John E.; plus others from distribution list cc: Lahner, Joanne\*; Loy, Tobi R.\*; Cabulong, Frederick X.P.; Gilchrist, Cynthia L; Moore, Charlotte S.; Wuest, Anita; plus others from distribution list  
DESCRIPTION : E-mail reflecting legal advice and opinions regarding litigation issues and preparatory measures taken in anticipation of Vioxx litigation.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 5  
FOLDERNO : 13

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BATES\_RANGE : MRK-ACV0018508-MRK-ACV0018509  
ATTACHMENTS : Attached to MRK-ACV0018507-MRK-ACV0018507  
PRIV\_CLAIM : Attorney-Client Privilege and Work Product  
DATE : 02/21/02  
AUTHOR : Lewis, Suzanne M. Gregory\*  
RECIPIENT : Bain, R.; Barr, E.; Blois, D.; Braunstein, Ned; Distlerath, L.; Gertz, B.; Goldmann, B.; Guess, H.;

Hostelley, L.; Jerman, Jo cc: Lahner, Joanne\*; Loy, Tobi\*; Cabulong, Frederick X.P.; Felicetta, Patrick plus others in the distribution  
DESCRIPTION : Memorandum reflecting legal advice and opinions regarding litigation issues and preparatory measures taken in anticipation of litigation.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 5  
FOLDERNO : 13

Document 377 of 501

BATES\_RANGE : MRK-ACZ0048483-MRK-ACZ0048483  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 05/24/00  
AUTHOR : Ruffin, Sandra  
RECIPIENT : Bell, Gregory; Daniels, Brian F.; Morrison, Briggs W.; Mortensen, Eric R.; Ehrich, Elliot W. cc: Coppola, Linda G.; Baumgartner, Susan L.; Shah, Rashmi J.; Hall, Daniel L.  
DESCRIPTION : E-mail reflecting legal advice and opinions regarding promotional materials to be shown at cardiovascular and renal national teleconference.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : GRANTED  
SM\_REC\_EXPL : Granted as redacted.  
BOX\_NUM : 5  
FOLDERNO : 14

Document 378 of 501

BATES\_RANGE : MRK-ADC0001407-MRK-ADC0001408  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/09/02  
AUTHOR : Cannuscio, Carolyn C.; Cromley, David W.\*  
RECIPIENT : Greene, Douglas Alan cc: Guess, Harry A.; Gertz, Barry J.; Santanello, Nancy C.; Watson, Douglas J.; Honig, Peter K.; Bain, Raymond P.; Reicin, Alise S.; Silverman, Robert E.; Stinson, Diane L.  
DESCRIPTION : Memorandum reflecting client confidences and legal advice and opinions regarding research study contracts with Brigham and Women's Hospital.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART; DENIED IN PART  
SM\_REC\_EXPL : Message sent by both a lawyer and a non-lawyer. Not primarily concerned with providing legal advice -Denied. Paragraph entitled "Legal Risk" - Granted.  
BOX\_NUM : 5  
FOLDERNO : 14

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BATES\_RANGE : MRK-ADG0049748-MRK-ADG0049748  
ATTACHMENTS : Attaching MRK-ADG0049749-MRK-ADG0049752  
PRIV\_CLAIM : Attorney-Client Privilege and Work Product  
DATE : 11/16/01  
AUTHOR : Lahner, Joanne\*  
RECIPIENT : Anstice, David W.; Barr, Eliav; Beauchard, Lucine E.; Benezra-Kurshan, Diane; Bissett, Robert T.\*; Block, Gilbert A.; Blois, David W.; Bold, Thomas M.; Bolognese, James A.; Brady, Leo M.; plus others from distribution list cc: Boulware-Miller, Kay; Colbert Celia A.\* Dalton, Daniel J.\*; Frazier, Kenneth C.\*; Glasser Harold A.\*; Hacker, Michael A.\*; Henshall, Ronald S.\*; Gregory, Suzanne\*; Matukaitis, Paul D.\*; McGuire, Richard P.\*; Quinlan, Michal D.\*; Sodomora, Shirley E.\*; Steinbugler, Kathryn; Weinstein, Bert I.\*; Loy, Tobi R.\*; Frangiose, Diane\*  
DESCRIPTION : E-mail reflecting legal advice and opinions regarding litigation issues and preparatory measures taken in anticipation of litigation.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
SM\_REC\_EXPL : Attorney-Client Privilege and Work Product - GRANTED

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BOX\_NUM : 5  
FOLDERNO : 13

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BATES\_RANGE : MRK-ADG0049749-MRK-ADG0049752  
ATTACHMENTS : Attached to MRK-ADG0049748-MRK-ADG0049748  
PRIV\_CLAIM : Attorney-Client Privilege and Work Product  
DATE : 11/16/01  
AUTHOR : Lahner, Joanne\*  
RECIPIENT : Anstice, David W.; Sheares, Bradley T.; Beauchard, Lucine E.; Mills, Tracy L.; Cannell, Thomas R.; El- Dada, Riad H.; Park, Kimberly A.; Davidovic, David L.; Wicks, Nancy; McKeever, Jeffrey D.; Bissett, Robert T.\*; plus others from Distribution list cc: Boulware-Miller, Kay\*; Colbert, Celia A.\*; Dalton, Daniel J.\*; Frazier, Kenneth C.\*; Glasser, Harold A.\*; Hacker, Michael A.\*; Henshall, Ronald S.\*; Lewis, Suzanne M. Gregory\*; Matukaitis, Paul D.\*; McGuire, Richard P.\*; Quinlan, Michael D.\*; Sodomora, Shirley E.\*; Steinbugler, Kathryn\*; Weinstein, Bert I.\*; Loy, Tobi R.\*; Frangiose, Diane\*

DESCRIPTION : Memorandum reflecting legal advice and opinions regarding litigation issues and preparatory measures taken in anticipation of litigation.

W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
SM\_REC\_EXPL : Attorney-Client Privilege and Work Product - GRANTED  
BOX\_NUM : 5  
FOLDERNO : 13

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BATES\_RANGE : MRK-ADK0002398-MRK-ADK0002399  
PRIV\_CLAIM : Attorney-Client Privilege and Work Product  
DATE : 02/21/02  
AUTHOR : Lewis, Suzanne M. Gregory\*  
RECIPIENT : Silverman, R Oppenheimer, L Reicin, A Reines, S Leitmeyer, J Morrison, B Nies, A Guess, H Hostelley, L Jerman, J Lahner, Joanne\*

DESCRIPTION : Memorandum reflecting legal advice and opinions regarding litigation issues and preparatory measures taken in anticipation of Vioxx litigation.

W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 5  
FOLDERNO : 13

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BATES\_RANGE : MRK-ADK0007084-MRK-ADK0007084  
ATTACHMENTS : Attaching MRK-ADK0007085-MRK-ADK0007086  
PRIV\_CLAIM : Attorney-Client Privilege and Work Product  
DATE : 02/21/02  
AUTHOR : Lewis, Suzanne M. Gregory\*  
RECIPIENT : Loy, Tobi R \*, Lahner, Joanne\* Inoa-Gonzalez, Carmen Stauffer, Kevin M. Gilchrist, Cynthia L Blois, David W. Oppenheimer, Leonard Leitmeyer, John E. Reines, Scott A. Bain, Raymond P. Barr, Eliav Watson, Douglas J. Weiner, Jan D. Reicin, Alise S.

DESCRIPTION : E-mail reflecting legal advice and opinions regarding litigation issues and preparatory measures taken in anticipation of Vioxx litigation.

W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 5  
FOLDERNO : 13

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BATES\_RANGE : MRK-ADK0007085-MRK-ADK0007086  
ATTACHMENTS : Attached to MRK-ADK0007084-MRK-ADK0007084  
PRIV\_CLAIM : Attorney-Client Privilege and Work Product

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DATE : Undated  
AUTHOR : Lewis, Suzanne M. Gregory\*  
RECIPIENT : Bain, R.; Barr, E.; Blois, D.; Braunstein, Ned; Distlerath, L.; Gertz, B.; Goldmann, B.; Guess, H.;  
Hostelley, L.; Jerman, Jo cc: Lahner, Joanne\*; Loy, Tobi\*; Cabulong, Frederick X.P.; Felicetta,  
Patrick plus others in the distribution  
DESCRIPTION : Memorandum reflecting legal advice and opinions regarding litigation issues and preparatory  
measures taken in anticipation of litigation.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 5  
FOLDERNO : 13

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BATES\_RANGE : MRK-AFI0100379-MRK-AFI0100383  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/27/00  
AUTHOR : Daniels, Brian F.  
RECIPIENT : Truitt, Ken E.; Daniels, Brian F.; Baumgartner, Susan L.; Anderson, Marjorie; Daniels, Brian F.;  
Yarbrough, Caroline; Reicin, Alise S.; Romankiewicz, John  
DESCRIPTION : E-mail reflecting a recitation of legal advice and opinions from Lahner, Joanne\* regarding VIGOR  
study issues.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : GRANTED  
SM\_REC\_EXPL : Granted as redacted.  
BOX\_NUM : 5  
FOLDERNO : 14

Document 385 of 501

BATES\_RANGE : MRK-AFI0100771-MRK-AFI0100772  
ATTACHMENTS : Attaching MRK-AFI0100799-MRK-AFI0100820 Attaching MRK-AFI0100822-MRK-AFI0100822  
Attaching MRK-AFI0100823-MRK-AFI0100823 Attaching MRK-AFI0100821-MRK-AFI0100821  
Attaching MRK-AFI0100773-MRK-AFI0100796 Attaching MRK-AFI0100797-MRK-AFI0100798  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 05/26/00  
AUTHOR : Mortensen, Eric R.  
RECIPIENT : Bigley, Frank Peter\* cc: Ruffin, Sandra; Baumgartner, Susan L.; Reicin, Alise S.  
DESCRIPTION : E-mail reflecting a request for legal advice and opinions regarding promotional issues pertaining to  
National Teleconference.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 5  
FOLDERNO : 14

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BATES\_RANGE : MRK-AFI0100773-MRK-AFI0100796  
ATTACHMENTS : Attached to MRK-AFI0100771-MRK-AFI0100772  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 05/26/00  
AUTHOR : Mortensen, Eric R.  
RECIPIENT : Bigley, Frank Peter\* cc: Ruffin, Sandra; Baumgartner, Susan L.; Reicin, Alise S.  
DESCRIPTION : Presentation reflecting a request for legal advice and opinions regarding viox promotional items  
and vigor study data.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 5  
FOLDERNO : 14

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BATES\_RANGE : MRK-AFI0100797-MRK-AFI0100798  
ATTACHMENTS : Attached to MRK-AFI0100771-MRK-AFI0100772  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 05/26/00  
AUTHOR : Mortensen, Eric R.  
RECIPIENT : Bigley, Frank Peter\* cc: Ruffin, Sandra; Baumgartner, Susan L.; Reicin, Alise S.  
DESCRIPTION : List reflecting a request for legal advice and opinions regarding VIGOR study and promotional and regulatory issues.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 5  
FOLDERNO : 14

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BATES\_RANGE : MRK-AFI0100799-MRK-AFI0100820  
ATTACHMENTS : Attached to MRK-AFI0100771-MRK-AFI0100772  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 05/26/00  
AUTHOR : Mortensen, Eric R.  
RECIPIENT : Bigley, Frank Peter\* cc: Ruffin, Sandra; Baumgartner, Susan L.; Reicin, Alise S.  
DESCRIPTION : Presentation reflecting a request for legal advice and opinions regarding VIGOR and CLASS studies.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 5  
FOLDERNO : 14

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BATES\_RANGE : MRK-AFI0100821-MRK-AFI0100821  
ATTACHMENTS : Attached to MRK-AFI0100771-MRK-AFI0100772  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 05/26/00  
AUTHOR : Mortensen, Eric R.  
RECIPIENT : Bigley, Frank Peter\* cc: Ruffin, Sandra; Baumgartner, Susan L.; Reicin, Alise S.  
DESCRIPTION : Draft questions reflecting a request for legal advice and opinions regarding CV/ Renal and VIGOR study.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 5  
FOLDERNO : 14

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BATES\_RANGE : MRK-AFI0100822-MRK-AFI0100822  
ATTACHMENTS : Attached to MRK-AFI0100771-MRK-AFI0100772  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 05/26/00  
AUTHOR : Mortensen, Eric R.  
RECIPIENT : Bigley, Frank Peter\* cc: Ruffin, Sandra; Baumgartner, Susan L.; Reicin, Alise S.  
DESCRIPTION : Draft questions reflecting a request for legal advice and opinions regarding CV/ Renal and VIGOR study.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 5  
FOLDERNO : 14

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BATES\_RANGE : MRK-AFI0100823-MRK-AFI0100823  
ATTACHMENTS : Attached to MRK-AFI0100771-MRK-AFI0100772  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 05/26/00  
AUTHOR : Mortensen, Eric R.  
RECIPIENT : Bigley, Frank Peter\* cc: Ruffin, Sandra; Baumgartner, Susan L.; Reicin, Alise S.  
DESCRIPTION : Draft questions reflecting a request for legal advice and opinions regarding CV/ Renal and VIGOR study.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 5  
FOLDERNO : 14

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BATES\_RANGE : MRK-AFK0292884-MRK-AFK0292889  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/30/02  
AUTHOR : Keyser, Janet M.  
RECIPIENT : Olson, R. Brent\*; Lahner, Joanne\*; Nies, Alan S.; Blois, David W.; Taglieber, Ulrich; Guerra, Jorge G.; Sabbaj, Jacobo; de Jesus, Daniel G.; Sanjuan, Nelly P.; Ditzler, Warren D.; Honig, Peter K.; Greene, Douglas Alan  
DESCRIPTION : E-mail reflecting a request for legal advice and opinions regarding Vioxx VIGOR analyses.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : GRANTED  
SM\_REC\_EXPL : Granted as redacted.  
BOX\_NUM : 5  
FOLDERNO : 14

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BATES\_RANGE : MRK-AFO0143295-MRK-AFO0143296  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 03/19/02  
AUTHOR : Reicin, Alise S.  
RECIPIENT : Altmeyer, Anne; Lahner, Joanne\* cc: Stinson, Diane L.; Grosser, Karen; DiBattiste, Peter M.  
DESCRIPTION : E-mail reflecting a request for legal advice and opinions regarding bidding by contract research organizations on the VIOXX CV outcomes study and draft press release communication about VIOXX CV study.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART; DENIED IN PART  
SM\_REC\_EXPL : Whole e-mail thread has not been listed on the privilege log. There are five messages in the thread and none were sent only to an attorney or written by an attorney. Their primary purpose, therefore, was not to obtain legal assistance - DENIED. The March 13, 3:46 pm message asked about legal advice received, and the March 13, 3:53 pm message relates it - GRANTED. The last two messages are not primarily for legal assistance - sent to both lawyers and non-lawyers - DENIED.  
BOX\_NUM : 5  
FOLDERNO : 14

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BATES\_RANGE : MRK-AFO0143548-MRK-AFO0143549  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 03/22/02  
AUTHOR : Lahner, Joanne\*  
RECIPIENT : Reicin, Alise S.; Altmeyer, Anne cc: Stinson, Diane L.; Grosser, Karen; DiBattiste, Peter M.  
DESCRIPTION : E-mail reflecting legal advice and opinions regarding VIOXX CV outcomes study.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART; DENIED IN PART

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SM\_REC\_EXPL : Whole e-mail thread has not been listed on the privilege log. There are six messages in the thread and none were sent only to an attorney or written by an attorney. Their primary purpose, therefore, was not to obtain legal assistance - DENIED. The March 13, 3:46 pm message asked about legal advice received, and the March 13, 3:53 pm message relates it - GRANTED. The next two messages are not primarily for legal assistance - sent to both lawyers and non-lawyers - DENIED. The last message from Lahner - GRANTED.

BOX\_NUM : 5  
FOLDERNO : 14

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BATES\_RANGE : MRK-AFQ0000302-MRK-AFQ0000303  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/09/02  
AUTHOR : Cannuscio, Carolyn C.; Cromley, David W.\*  
RECIPIENT : Greene, Douglas Alan cc: Guess, Harry A.; Gertz, Barry J.; Santanello, Nancy C.; Watson, Douglas J.; Honig, Peter K.; Bain, Raymond P.; Reicin, Alise S.; Silverman, Robert E.; Stinson, Diane L.  
DESCRIPTION : Memorandum reflecting client confidences and legal advice and opinions from Cromley, David W.\* regarding research study contracts with Ingenix and Brigham and Women's Hospital.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART; DENIED IN PART  
SM\_REC\_EXPL : Message sent by both a lawyer and a non-lawyer. Not primarily concerned with providing legal advice -Denied. Paragraph entitled "Legal Risk" - Granted.

BOX\_NUM : 5  
FOLDERNO : 14

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BATES\_RANGE : MRK-AFS0035414-MRK-AFS0035414  
ATTACHMENTS : Attaching MRK-AFS0035415-MRK-AFS0035416  
PRIV\_CLAIM : Attorney-Client Privilege and Work Product  
DATE : 02/21/02  
AUTHOR : Gregory, Suzanne M.\*  
RECIPIENT : Bain, Raymond P.; Barr, Eliav; Blois, David W.; Distlerath, Linda M.; Gertz, Barry J.; Guess, Harry A.; Hostelley, Linda S.; Jerman, Jo C.; Reicin, Alise S.; plus others from distribution cc: Lahner, Joanne\*; Loy, Tobi R.\*; Moore, Christine S.; Wuest, Anita; Scanlon, Jeannette M.; Doris, Marliyn B.; plus others from distribution

DESCRIPTION : E-mail reflecting legal advice and opinions regarding document retention policies.

W\_HELD\_REDAC : Entire document.

SM\_REC : GRANTED

BOX\_NUM : 5  
FOLDERNO : 13

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BATES\_RANGE : MRK-AFS0035415-MRK-AFS0035416  
ATTACHMENTS : Attached to MRK-AFS0035414-MRK-AFS0035414  
PRIV\_CLAIM : Attorney-Client Privilege and Work Product  
DATE : 02/21/02  
AUTHOR : Gregory, Suzanne M.\*  
RECIPIENT : Bain, Raymond P.; Barr, Eliav; Blois, David W.; Distlerath, Linda M.; Gertz, Barry J.; Guess, Harry A.; Hostelley, Linda S.; Jerman, Jo C.; Reicin, Alise S.; plus others from distributioncc: Lahner, Joanne\*; Loy, Tobi R.\*; Moore, Christine S.; Wuest, Ani

DESCRIPTION : Memorandum reflecting legal advice and opinions regarding document retention policies.

W\_HELD\_REDAC : Entire document.

SM\_REC : GRANTED

BOX\_NUM : 5  
FOLDERNO : 13

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BATES\_RANGE : MRK-AHO0102696-MRK-AHO0102699  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/17/01  
AUTHOR : Melin, Jeffrey  
RECIPIENT : Roberts, Rick; Reicin, Alise  
DESCRIPTION : Email reflecting request for legal advice and opinions of Lahner, Joanne\* regarding a back pain protocol and possible label change.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : GRANTED IN PART; DENIED IN PART  
SM\_REC\_EXPL : 5 Redactions on p. 102697: First redaction - Denied. No advice disclosed; Second redaction - Granted - except for first sentence - Denied.; Third redaction - Denied. No advice sought or given; Fourth redaction - Denied except for sentence beginning "Do you..." - Granted; Fifth redaction - Denied - except for remainder of sentence following "low back pain..." No advice sought or given. Lawyer not even copied.  
2 Redactions on p. 102698: First redaction - Denied. No advice disclosed. Message was neither from nor to an attorney; Second redaction - Granted.  
BOX\_NUM : 5  
FOLDERNO : 14

Document 399 of 501

BATES\_RANGE : MRK-AHO0108355-MRK-AHO0108358  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/17/01  
AUTHOR : Melin, Jeffrey  
RECIPIENT : Roberts, Rick M.; Reicin, Alise  
DESCRIPTION : Email reflecting a request for legal advice and opinions of Lahner, Joanne\* regarding a back pain protocol and possible label change.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : GRANTED IN PART; DENIED IN PART  
SM\_REC\_EXPL : 5 Redactions on p 108356: First redaction - Denied. No advice disclosed; Second redaction - Granted - except for first sentence - Denied.; Third redaction - Denied. No advice sought or given; Fourth redaction - Denied except for sentence beginning "Do you..." - Granted; Fifth redaction - Denied - except for remainder of sentence following "low back pain...". No advice sought or given. Lawyer not even copied;  
2 Redactions on p. 108357: First redaction - Denied. No advice disclosed. Message was neither from nor to an attorney; Second redaction - Granted.  
BOX\_NUM : 5  
FOLDERNO : 14

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BATES\_RANGE : MRK-AKO0009932-MRK-AKO0009932  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 11/30/00  
AUTHOR : Roberts, Rick  
RECIPIENT : Lahner, Joanne\*; Reicin, Alise S.; Gertz, Barry J.; Silverman, Robert E.; Geba, Greg P.; Dixon, Mary; Beauchard, Lucine E.; Roberts, Rick; Dobbins, Thomas W.; Reiss, Sandra; plus others from the distribution list  
DESCRIPTION : E-mail summary of a meeting reflecting request for legal advice and opinions on the study design of a second VACT study.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : DENIED  
SM\_REC\_EXPL : The fact that a lawyer has discussed a study design with others in the company does not mean that legal advice was either sought or given. The does not reveal the content of the communications of either the client or the attorney.  
BOX\_NUM : 5  
FOLDERNO : 14

Special Master Recommended Ruling - PSC "600"

Document 401 of 501

BATES\_RANGE : MRK-AKU0013258-MRK-AKU0013258  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 01/21/02  
AUTHOR : Simon, Thomas J.  
RECIPIENT : Lahner, Joanne\*; Reicin, Alise S.  
DESCRIPTION : E-mail reflecting a request for legal advice and opinions regarding cardiovascular data for a domestic investigator meeting.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 5  
FOLDERNO : 14

Document 402 of 501

BATES\_RANGE : MRK-AKU0018813-MRK-AKU0018814  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 03/19/02  
AUTHOR : Reicin, Alise S.  
RECIPIENT : Altmeyer, Anne; Lahner, Joanne\* cc: Stinson, Diane L.; Grosser, Karen; DiBattiste, Peter M.  
DESCRIPTION : E-mail reflecting a request for legal advice and opinions regarding VIOXX CV outcomes study.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART; DENIED IN PART  
SM\_REC\_EXPL : Whole e-mail thread has not been listed on the privilege log. There are five messages in the thread and none were sent only to an attorney or written by an attorney. Their primary purpose, therefore, was not to obtain legal assistance - DENIED. The March 13, 3:46 pm message asked about legal advice received, and the March 13, 3:53 pm message relates it - GRANTED. The last two messages are not primarily for legal assistance - sent to both lawyers and non-lawyers - DENIED.

BOX\_NUM : 5  
FOLDERNO : 14

Document 403 of 501

BATES\_RANGE : MRK-AKU0066995-MRK-AKU0066995  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 12/12/00  
AUTHOR : Roberts, Rick  
RECIPIENT : Lahner, Joanne\*; Reicin, Alise S.; Gertz, Barry J.; Silverman, Robert E.; Geba, Greg P.; Dixon, Mary; Beauchard, Lucine E.; Dobbins, Thomas W.; Reiss, Sandra; Rode, Robert J.; plus others from distribution list  
DESCRIPTION : E-mail reflecting a request for legal advice and opinions regarding promotion of VACT 2 study results.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : GRANTED  
SM\_REC\_EXPL : Granted as redacted.  
BOX\_NUM : 5  
FOLDERNO : 114

Document 404 of 501

BATES\_RANGE : MRK-ANS0008470-MRK-ANS0008473  
ATTACHMENTS : Attaching MRK-ANS0008474-MRK-ANS0008477  
PRIV\_CLAIM : Attorney-Client Privilege and Work Product  
DATE : 11/19/01  
AUTHOR : Stapleton, Debbie E.  
RECIPIENT : Kong, Sheldon X.; Kostek, Alexander M.; Morrison, Briggs W.; Ortlieb, David E.; Patrick, Darryl H.; Pryor-Tillotson, Suzanne M.; Reicin, Alise S.; Rogers, Doug; Rue, Denise R.; Salgado, Maribel C.;

Special Master Recommended Ruling - PSC "600"

Schneider, Merle A.; plus others from distribution list  
DESCRIPTION : E-mail reflecting legal advice and opinions of Lahner, Joanne\* regarding document retention policies and preparatory measures taken in anticipation of litigation.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 5  
FOLDERNO : 13

Document 405 of 501

BATES\_RANGE : MRK-ANS0008474-MRK-ANS0008477  
ATTACHMENTS : Attached to MRK-ANS0008470-MRK-ANS0008473  
PRIV\_CLAIM : Attorney-Client Privilege and Work Product  
DATE : 11/19/01  
AUTHOR : Lahner, Joanne\*  
RECIPIENT : Kong, Sheldon X.; Kostek, Alexander M.; Morrison, Briggs W.; Ortlieb, David E.; Patrick, Darryl H.; Pryor-Tillotson, Suzanne M.; Reicin, Alise S.; Rogers, Doug; Rue, Denise R.; Salgado, Maribel C.; Schneider, Merle A.; plus others from distribution list

DESCRIPTION : Memorandum reflecting legal advice and opinions regarding document retention policies and preparatory measures taken in anticipation of litigation.

W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 5  
FOLDERNO : 13

Document 406 of 501

BATES\_RANGE : MRK-ARF0101096-MRK-ARF0101099  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/17/01  
AUTHOR : Melin, Jeffrey M.; incorporating an e-mail to Lahner, Joanne\*  
RECIPIENT : Roberts, Rick M.; Reicin, Alise S.

DESCRIPTION : E-mail reflecting a request for legal advice and opinions of Lahner, Joanne\* regarding NSAID indications for lower back pain.

W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : GRANTED IN PART; DENIED IN PART  
SM\_REC\_EXPL : Three redactions on p. 101097. First redaction - Granted. Second redaction - first sentence not privileged because advice was not sought - Denied. Second sentence beginning "Do you..." - Granted. Third redaction - Denied. Does not reveal advice or request for advice. The fact that legal is mentioned does not make it privileged when Legal wasn't even copied on the message.  
1 Redaction on p. 101098 - Granted.

BOX\_NUM : 5  
FOLDERNO : 14

Document 407 of 501

BATES\_RANGE : MRK-AUT0002262-MRK-AUT0002263  
ATTACHMENTS : Attaching MRK-AUT0002264-MRK-AUT0002267  
PRIV\_CLAIM : Attorney-Client Privilege and Work Product  
DATE : 09/23/02  
AUTHOR : O'Connor, Kathleen\*  
RECIPIENT : Anstice, David W.; Sheares, Bradley T.; Alberti, Peter M.; Barker, Tyrus; Barr, Eliav; Beauchard, Lucine E.; Benezra-Kurshan, Diane; Bissett, Robert T.; Blois, David W.; Bold, Thomas M.; Bolognese, James A.; Bourdow, Carrie L.; plus others from distribution list

DESCRIPTION : E-mail reflecting legal advice and opinions regarding document retention and preparatory measures taken in anticipation of litigation.

W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 5  
FOLDERNO : 13

Special Master Recommended Ruling - PSC "600"

Document 408 of 501

BATES\_RANGE : MRK-AUT0002264-MRK-AUT0002267  
ATTACHMENTS : Attached to MRK-AUT0002262-MRK-AUT0002263  
PRIV\_CLAIM : Attorney-Client Privilege and Work Product  
DATE : 09/23/02  
AUTHOR : O'Connor, M. Kathleen\*  
RECIPIENT : Anstice, David W.; Sheares, Bradley T.; Alberti, Peter M.; Barker, Tyrus; Barr, Eliav; Beauchard, Lucine E.; Benezra-Kurshan, Diane; Bissett, Robert T.; Blois, David W.; Bold, Thomas M.; Bolognese, James A.; Bourdow, Carrie L.; plus others from distribution list  
DESCRIPTION : Memorandum reflecting legal advice and opinions regarding document retention and preparatory measures taken in anticipation of litigation.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 5  
FOLDERNO : 13

Document 409 of 501

BATES\_RANGE : MRK-AAB0064652-MRK-AAB0064653  
ATTACHMENTS : Attaching MRK-AAB0064654-MRK-AAB0064658  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 02/26/01  
AUTHOR : Lahner, Joanne\*  
RECIPIENT : Silverman, Robert E. cc: Harper, Sean E.; Reines, Scott A.; Goldmann, Bonnie J.; Shapiro, Deborah R.; Oppenheimer, Leonard; Greene, Douglas; Simon, Thomas; Reicin, Alise S.  
DESCRIPTION : E-mail reflecting client confidences and legal advice and opinions from Lahner, Joanne\* regarding regulatory issues pertaining to product labeling.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART; DENIED IN PART  
SM\_REC\_EXPL : Whole e-mail thread is not listed on the privilege log. In the first two messages Lahner is only copied. They were not primarily for legal assistance - DENIED. Third message from Lahner - GRANTED.  
BOX\_NUM : 6  
FOLDERNO : 16

Document 410 of 501

BATES\_RANGE : MRK-AAB0064654-MRK-AAB0064658  
ATTACHMENTS : Attached to MRK-AAB0064652-MRK-AAB0064653  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 02/26/01  
AUTHOR : Lahner, Joanne\*  
RECIPIENT : Silverman, Robert E. cc: Harper, Sean E.; Reines, Scott A.; Goldmann, Bonnie J.; Shapiro, Deborah R.; Oppenheimer, Leonard; Greene, Douglas; Simon, Thomas; Reicin, Alise S.  
DESCRIPTION : Draft regulatory correspondence reflecting legal advice and opinions regarding Supplemental New Drug Application and VIGOR study issues.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART; DENIED IN PART  
SM\_REC\_EXPL : Attachment to a mixed purpose communication is not privileged but the attached comments of a lawyer may be redacted before production.  
BOX\_NUM : 6  
FOLDERNO : 16

Document 411 of 501

BATES\_RANGE : MRK-AAB0078252-MRK-AAB0078253  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 03/07/02  
AUTHOR : Shapiro, Deborah R.  
RECIPIENT : Braunstein, Ned S.; Truitt, Ken E.; Connors, Laurine G.; Silverman, Robert E. cc: Reicin, Alise S.

Special Master Recommended Ruling - PSC "600"

DESCRIPTION : E-mail reflecting legal advice and opinions of Lahner, Joanne\* regarding Vioxx CIB.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : DENIED  
SM\_REC\_EXPL : Redaction disclosed a decision made jointly by Regulatory Management and Lahner. Legal advice was not explicitly disclosed.  
BOX\_NUM : 6  
FOLDERNO : 16

Document 412 of 501

BATES\_RANGE : MRK-AAC0046863-MRK-AAC0046864  
ATTACHMENTS : Attaching MRK-AAC0046865-MRK-AAC0046866  
PRIV\_CLAIM : Attorney-Client Privilege and Work Product  
DATE : 12/10/01  
AUTHOR : Lahner, Joanne\*  
RECIPIENT : Braunstein, Ned S. cc: Reines, Scott A.; Reicin, Alise S.; Bain, Raymond P.; Gertz, Barry J.; Silverman, Robert E.  
DESCRIPTION : E-mail reflecting legal advice and opinions and preparatory measures taken in anticipation of litigation.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED  
SM\_REC\_EXPL : Whole e-mail thread has not been listed on the privilege log. First two messages sent to Lahner and many others. It was not primarily for the purpose of obtaining legal assistance. Third message from Lahner reveals no comments of Lahner.

BOX\_NUM : 6  
FOLDERNO : 16

Document 413 of 501

BATES\_RANGE : MRK-AAC0046865-MRK-AAC0046866  
ATTACHMENTS : Attached to MRK-AAC0046863-MRK-AAC0046864  
PRIV\_CLAIM : Attorney-Client Privilege and Work Product  
DATE : 12/10/01  
AUTHOR : Lahner, Joanne\*  
RECIPIENT : Braunstein, Ned S. cc: Reines, Scott A.; Reicin, Alise S.; Bain, Raymond P.; Gertz, Barry J.; Silverman, Robert E.  
DESCRIPTION : Draft regulatory document reflecting client confidences and preparatory measures taken in anticipation of litigation.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART DENIED IN PART  
SM\_REC\_EXPL : Attachment to a mixed purpose communication is not privileged, but comments of lawyer on attachment can be redacted before production.

BOX\_NUM : 6  
FOLDERNO : 16

Document 414 of 501

BATES\_RANGE : MRK-AAC0065614-MRK-AAC0065614  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 10/05/01  
AUTHOR : Weiner, Jan D.  
RECIPIENT : Gertz, Barry J.; Reicin, Alise S.; Demopoulos, Laura A. cc: Fanelle, Christine; Bloomfield, John M.  
DESCRIPTION : E-mail reflecting legal advice and opinions from Lahner, Joanne\* regarding draft news release to DDMAC.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : DENIED  
SM\_REC\_EXPL : Redaction refers to how Lahner wants to develop language. It does not reveal legal advice.  
BOX\_NUM : 6  
FOLDERNO : 17

Special Master Recommended Ruling - PSC "600"

Document 415 of 501

BATES\_RANGE : MRK-AAC0065640-MRK-AAC0065640  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 10/06/01  
AUTHOR : Demopoulos, Laura A.  
RECIPIENT : Weiner, Jan D. cc: Gertz, Barry J.; Reicin, Alise S.; Lahner, Joanne\*; Silverman, Robert E.  
DESCRIPTION : E-mail reflecting legal advice and opinions from Lahner Joanne\* regarding regulatory issues.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : DENIED  
SM\_REC\_EXPL : Redaction addresses how Lahner wants to develop language. Substantive legal advice is not disclosed.  
BOX\_NUM : 6  
FOLDERNO : 17

Document 416 of 501

BATES\_RANGE : MRK-AAC0065644-MRK-AAC0065644  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 10/07/01  
AUTHOR : Reicin, Alise S.  
RECIPIENT : Weiner, Jan D. cc: Gertz, Barry J.; Demopoulos, Laura A.; Fanelle, Christine; Bloomfield, John M.  
DESCRIPTION : E-mail reflecting legal advice and opinions from Lahner Joanne\* regarding regulatory issues.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : DENIED  
SM\_REC\_EXPL : Redaction refers to how Lahner wants to develop language. It does not reveal legal advice.  
BOX\_NUM : 6  
FOLDERNO : 17

Document 417 of 501

BATES\_RANGE : MRK-AAC0083412-MRK-AAC0083413  
ATTACHMENTS : Attaching MRK-AAC0083414-MRK-AAC0083415  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 12/10/01  
AUTHOR : Lahner, Joanne\*  
RECIPIENT : Braunstein, Ned S. cc: Reines, Scott A.; Reicin, Alise S.; Bain, Raymond P.; Gertz, Barry J.; Silverman, Robert E.  
DESCRIPTION : E-mail reflecting legal advice and opinions regarding draft VIOXX FDA letter.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED  
SM\_REC\_EXPL : Whole e-mail thread has not been listed on the privilege log. First two messages sent to Lahner and many others. It was not primarily for the purpose of obtaining legal assistance. Third message from Lahner reveals no comments of Lahner.  
BOX\_NUM : 6  
FOLDERNO : 16

Document 418 of 501

BATES\_RANGE : MRK-AAC0083414-MRK-AAC0083415  
ATTACHMENTS : Attached to MRK-AAC0083412-MRK-AAC0083413  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 12/10/01  
AUTHOR : Lahner, Joanne\*  
RECIPIENT : Braunstein, Ned S. cc: Reines, Scott A.; Reicin, Alise S.; Bain, Raymond P.; Gertz, Barry J.; Silverman, Robert E.  
DESCRIPTION : Draft regulatory correspondence reflecting client confidences, legal advice and opinions regarding Vioxx response to agency and promotional issues.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART DENIED IN PART  
SM\_REC\_EXPL : Attachment to a mixed purpose communication is not privileged, but comments of lawyer on

attachment can be redacted before production.  
BOX\_NUM : 6  
FOLDERNO : 16

Document 419 of 501

BATES\_RANGE : MRK-AAD0053427-MRK-AAD0053427  
ATTACHMENTS : Attaching MRK-AAD0053433-MRK-AAD0053437 Attaching MRK-AAD0053440-MRK-AAD0053442 Attaching MRK-AAD0053428-MRK-AAD0053432 Attaching MRK-AAD0053438-MRK-AAD0053439  
PRIV\_CLAIM : Attorney-Client Privilege and Work Product  
DATE : 09/13/00  
AUTHOR : Lahner, Joanne\*  
RECIPIENT : Reicin, Alise cc: Beauchard, L.; Dalton, D.\*; Dixon, W.; Silverman, R.  
DESCRIPTION : Memorandum reflecting legal advice and opinions regarding litigation issues and preparatory measures taken in anticipation of litigation.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 6  
FOLDERNO : 16

Document 420 of 501

BATES\_RANGE : MRK-AAD0053428-MRK-AAD0053432  
ATTACHMENTS : Attached to MRK-AAD0053427-MRK-AAD0053427  
PRIV\_CLAIM : Attorney-Client Privilege and Work Product  
DATE : 06/21/00  
AUTHOR : Lahner, Joanne\*  
RECIPIENT : Morrison, Thomas C.\* cc: Henshall, Ronald S.\*  
DESCRIPTION : Correspondence reflecting a request for legal advice and opinions regarding litigation issues and preparatory measures taken in anticipation of litigation.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 6  
FOLDERNO : 16

Document 421 of 501

BATES\_RANGE : MRK-AAD0053433-MRK-AAD0053437  
ATTACHMENTS : Attached to MRK-AAD0053427-MRK-AAD0053427  
PRIV\_CLAIM : Attorney-Client Privilege and Work Product  
DATE : 07/11/00  
AUTHOR : Morrison, Thomas C.\*  
RECIPIENT : Lahner, Joanne\*  
DESCRIPTION : Correspondence reflecting legal advice and opinions regarding litigation issues and preparatory measures taken in anticipation of litigation.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 6  
FOLDERNO : 16

Document 422 of 501

BATES\_RANGE : MRK-AAD0053438-MRK-AAD0053439  
ATTACHMENTS : Attached to MRK-AAD0053427-MRK-AAD0053427  
PRIV\_CLAIM : Attorney-Client Privilege and Work Product  
DATE : 08/23/00  
AUTHOR : Lahner, Joanne\*  
RECIPIENT : Morrison, Thomas C.\* cc: Henshall, Ronald S.\*  
DESCRIPTION : Correspondence reflecting a request for legal advice and opinions regarding litigation issues and preparatory measures taken in anticipation of litigation.  
W\_HELD\_REDAC : Entire document.

Special Master Recommended Ruling - PSC "600"

SM\_REC : GRANTED  
BOX\_NUM : 6  
FOLDERNO : 16

Document 423 of 501

BATES\_RANGE : MRK-AAD0053440-MRK-AAD0053442  
ATTACHMENTS : Attached to MRK-AAD0053427-MRK-AAD0053427  
PRIV\_CLAIM : Attorney-Client Privilege and Work Product  
DATE : 08/23/00  
AUTHOR : Lahner, J.\*  
RECIPIENT : N/A cc: Beauchard, L.; Dalton, D.\*; Dixon, W.; Silverman, R.  
DESCRIPTION : News release reflecting legal advice and opinions regarding litigation issues and preparatory measures taken in anticipation of litigation.

W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 6  
FOLDERNO : 16

Document 424 of 501

BATES\_RANGE : MRK-AAD0053563-MRK-AAD0053563  
ATTACHMENTS : Attaching MRK-AAD0053564-MRK-AAD0053572 Attaching MRK-AAD0053573-MRK-AAD0053581 Attaching MRK-AAD0053582-MRK-AAD0053589 Attaching MRK-AAD0053590-MRK-AAD0053591

PRIV\_CLAIM : Attorney-Client Privilege and Work Product  
DATE : 03/12/02  
AUTHOR : Epstein, Linda\*  
RECIPIENT : Reicin, Alise S.  
DESCRIPTION : Correspondence reflecting legal advice and opinions regarding litigation issues and preparatory measures taken in anticipation of litigation.

W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART; DENIED IN PART  
SM\_REC\_EXPL : Hughes Hubbard lawyer sent published materials to Reicin at request of another lawyer. Under the derivative rule, a lawyer's responsive communications are privileged only to the extent that they reveal prior confidential communications of the client. This does not. - **DENIED**  
Work Product - **GRANTED**

BOX\_NUM : 6  
FOLDERNO : 16

Document 425 of 501

BATES\_RANGE : MRK-AAD0053564-MRK-AAD0053572  
ATTACHMENTS : Attached to MRK-AAD0053563-MRK-AAD0053563  
PRIV\_CLAIM : Attorney-Client Privilege and Work Product  
DATE : 03/12/02  
AUTHOR : Epstein, Linda\*  
RECIPIENT : Reicin, Alise S.  
DESCRIPTION : Article reflecting legal advice and opinions regarding litigation issues and preparatory measures taken in anticipation of litigation.

W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART; DENIED IN PART  
SM\_REC\_EXPL : Hughes Hubbard lawyer sent published materials to Reicin at request of another lawyer. Under the derivative rule, a lawyer's responsive communications are privileged only to the extent that they reveal prior confidential communications of the client. This does not. - **DENIED**  
Work Product - **GRANTED**

BOX\_NUM : 6  
FOLDERNO : 16

Special Master Recommended Ruling - PSC "600"

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BATES\_RANGE : MRK-AAD0053573-MRK-AAD0053581  
ATTACHMENTS : Attached to MRK-AAD0053563-MRK-AAD0053563  
PRIV\_CLAIM : Attorney-Client Privilege and Work Product  
DATE : 09/17/01  
AUTHOR : Abrams, Thomas W.  
RECIPIENT : Gilmartin, Raymond V.  
DESCRIPTION : Correspondence reflecting legal advice and opinions regarding litigation issues and preparatory measures taken in anticipation of litigation.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART; DENIED IN PART  
SM\_REC\_EXPL : Hughes Hubbard lawyer sent published materials to Reicin at request of another lawyer. Under the derivative rule, a lawyer's responsive communications are privileged only to the extent that they reveal prior confidential communications of the client. This does not. - **DENIED**  
Work Product - **GRANTED**

BOX\_NUM : 6  
FOLDERNO : 16

Document 427 of 501

BATES\_RANGE : MRK-AAD0053582-MRK-AAD0053589  
ATTACHMENTS : Attached to MRK-AAD0053563-MRK-AAD0053563  
PRIV\_CLAIM : Attorney-Client Privilege and Work Product  
DATE : 10/01/01  
AUTHOR : Antice, David W.  
RECIPIENT : Abrams, Thomas W. cc: Gilmartin, Raymond V.  
DESCRIPTION : Correspondence reflecting legal advice and opinions regarding litigation issues and preparatory measures taken in anticipation of litigation.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART; DENIED IN PART  
SM\_REC\_EXPL : Hughes Hubbard lawyer sent published materials to Reicin at request of another lawyer. Under the derivative rule, a lawyer's responsive communications are privileged only to the extent that they reveal prior confidential communications of the client. This does not. - **DENIED**  
Work Product - **GRANTED**

BOX\_NUM : 6  
FOLDERNO : 16

Document 428 of 501

BATES\_RANGE : MRK-AAD0053590-MRK-AAD0053591  
ATTACHMENTS : Attached to MRK-AAD0053563-MRK-AAD0053563  
PRIV\_CLAIM : Attorney-Client Privilege and Work Product  
DATE : 03/12/02  
AUTHOR : Epstein, Linda\*  
RECIPIENT : Reicin, Alise S.  
DESCRIPTION : Press release reflecting legal advice and opinions regarding public relations issues.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART; DENIED IN PART  
SM\_REC\_EXPL : Hughes Hubbard lawyer sent published materials to Reicin at request of another lawyer. Under the derivative rule, a lawyer's responsive communications are privileged only to the extent that they reveal prior confidential communications of the client. This does not. - **DENIED**  
Work Product - **GRANTED**

BOX\_NUM : 6  
FOLDERNO : 16

Special Master Recommended Ruling - PSC "600"

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BATES\_RANGE : MRK-AAD0084299-MRK-AAD0084300  
ATTACHMENTS : Attaching MRK-AAD0084301-MRK-AAD0084302  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 12/10/01  
AUTHOR : Lahner, Joanne\*  
RECIPIENT : Braunstein, Ned S. cc: Reines, Scott A.; Reicin, Alise S.; Bain, Raymond P.; Gertz, Barry J.; Silverman, Robert E.  
DESCRIPTION : E-mail reflecting legal advice and opinions regarding draft VIOXX FDA letter.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED  
SM\_REC\_EXPL : Whole e-mail thread has not been listed on the privilege log. First two messages sent to Lahner and many others. It was not primarily for the purpose of obtaining legal assistance. Third message from Lahner reveals no comments of Lahner.  
BOX\_NUM : 6  
FOLDERNO : 16

Document 430 of 501

BATES\_RANGE : MRK-AAD0084301-MRK-AAD0084302  
ATTACHMENTS : Attached to MRK-AAD0084299-MRK-AAD0084300  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 12/09/01  
AUTHOR : Lahner, Joanne\*  
RECIPIENT : Braunstein, Ned S. cc: Reines, Scott A.; Reicin, Alise S.; Bain, Raymond P.; Gertz, Barry J.; Silverman, Robert E.  
DESCRIPTION : Draft responses to questions reflecting client confidences, legal advice and opinions regarding Vioxx response to agency and promotional issues.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART DENIED IN PART  
SM\_REC\_EXPL : Attachment to a mixed purpose communication is not privileged, but comments of lawyer on attachment can be redacted before production.  
BOX\_NUM : 6  
FOLDERNO : 16

Document 431 of 501

BATES\_RANGE : MRK-AAD0084517-MRK-AAD0084517  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 10/07/01  
AUTHOR : Reicin, Alise S.  
RECIPIENT : Weiner, Jan D. cc: Gertz, Barry J.; Demopoulos, Laura A.; Fanelle, Christine; Bloomfield, John M.  
DESCRIPTION : E-mail reflecting legal advice and opinions from Lahner Joanne\* regarding regulatory issues.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : DENIED  
SM\_REC\_EXPL : Redaction refers to how Lahner wants to develop language. It does not reveal legal advice.  
BOX\_NUM : 6  
FOLDERNO : 17

Document 432 of 501

BATES\_RANGE : MRK-AAD0084587-MRK-AAD0084587  
ATTACHMENTS : Attaching MRK-AAD0084588-MRK-AAD0084593  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 10/08/01  
AUTHOR : Reicin, Alise S.  
RECIPIENT : Quinlan, Michael D.\*; Bolton, Anne H.\* cc: Schwartz, Jules I.; Truitt, Ken E.  
DESCRIPTION : E-mail reflecting a request for legal advice and opinions regarding providing appropriate responses to media for anticipated questions concerning viox and non-GI safety issues.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED

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BOX\_NUM : 6  
FOLDERNO : 16

Document 433 of 501

BATES\_RANGE : MRK-AAD0084588-MRK-AAD0084593  
ATTACHMENTS : Attached to MRK-AAD0084587-MRK-AAD0084587  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 10/08/01  
AUTHOR : Reicin, Alise S.  
RECIPIENT : Bolton, Anne H.\*; Quinlan, Michael D.\* cc: Schwartz, Jules I.; Truitt, Ken E.  
DESCRIPTION : Draft standby statement reflecting a request for, and provision of, legal advice and opinions as it more specifically relates to CV issues.

W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 6  
FOLDERNO : 16

Document 434 of 501

BATES\_RANGE : MRK-AAD0108129-MRK-AAD0108129  
ATTACHMENTS : Attaching MRK-AAD0108130-MRK-AAD0108132  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 10/05/01  
AUTHOR : Silverman, Robert E. incorporating email from Weiner, Jan D. to Lahner, Joanne\*; Henshall, Ronald S.\*  
RECIPIENT : Weiner, Jan D. cc: Reicin, Alise S.; Demopoulos, Laura A.  
DESCRIPTION : E-mail reflecting legal advice and opinions regarding draft press release.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : DENIED  
SM\_REC\_EXPL : Message and attachment are not primarily for legal advice - sent to many, including two lawyers. Not providing legal advice - only exploring alternative format for developing language for submission to DDMAC.

BOX\_NUM : 6  
FOLDERNO : 17

Document 435 of 501

BATES\_RANGE : MRK-AAD0108130-MRK-AAD0108132  
ATTACHMENTS : Attached to MRK-AAD0108129-MRK-AAD0108129  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 10/05/01  
AUTHOR : Silverman, Robert E.  
RECIPIENT : Weiner, Jan D. cc: Reicin, Alise S.; Demopoulos, Laura A.; Lahner, Joanne\*; Henshall, Ronald\* S.; Wainwright, Joan; Reaves, Gregory E; Bloomfield, John M; Fanelle, Christine; Daigler, Nancy J; Slater, Eve E; Dorsa, Caroline; Dixon, Wendy L.; Kornowski, Sophie; Jordan, Laura J.; Silverman, Robert E. (MRL); Casola, Tom

DESCRIPTION : Draft press release concerning a Cardiovascular Outcomes Trial reflecting legal advice and opinions from Lahner, Joanne\* regarding regulatory issues and preparatory measures taken in anticipation of litigation.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART; DENIED IN PART  
SM\_REC\_EXPL : Attachment to a mixed purpose communication is not privileged but the attached comments of a lawyer may be redacted before production.

BOX\_NUM : 6  
FOLDERNO : 17

Document 436 of 501

BATES\_RANGE : MRK-AAD0108325-MRK-AAD0108331  
ATTACHMENTS : Attached to MRK-AAD0108323-MRK-AAD0108324  
PRIV\_CLAIM : Attorney-Client Privilege

Special Master Recommended Ruling - PSC "600"

DATE : 10/08/01  
AUTHOR : Truitt, Ken E.  
RECIPIENT : Quinlan, Michael D.\* cc: Reicin, Alise S.  
DESCRIPTION : Draft standby statement reflecting a request for, and provision of, legal advice and opinions as it more specifically relates to CV issues.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED  
SM\_REC\_EXPL : Attachment to a non-privileged communication is not privileged and comments on the attachment are those of a non-lawyer.  
BOX\_NUM : 6  
FOLDERNO : 17

Document 437 of 501

BATES\_RANGE : MRK-AAD0172199-MRK-AAD0172200  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/06/02  
AUTHOR : Wambold, Deb  
RECIPIENT : Reicin, Alise S.; Schechter, Adam H.; Gertz, Barry J.; Coram, Greg; Kim, Peter S. cc: Lewis, Suzanne Gregory\*; Fanelle, Christine; Lahner, Joanne\*; Weiner, Jan D.; Reaves, Gregory E.; Spencer, Linda G.; Patryk, Robb\*; Reed, Pamela R.\*; Mechler, Elaine H.\*  
DESCRIPTION : E-mail reflecting a request for legal advice and opinions regarding label change.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED  
SM\_REC\_EXPL : This is a schedule for prep sessions on new label form non-lawyer to non-lawyer, with copies to attorneys. While lawyer's names are in time slots, no confidential information about communications to attorney or advice from attorney is revealed. Message sent to many and copied to lawyers. It was not sent primarily for obtaining legal advice.  
BOX\_NUM : 6  
FOLDERNO : 16

Document 438 of 501

BATES\_RANGE : MRK-AAD0172952-MRK-AAD0172953  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/09/02  
AUTHOR : Brakewood, E.B. E.; incorporating e-mail to Lahner, Joanne\*  
RECIPIENT : Regnante, Jeanne Marie; Goldberg, Allan I.; Reicin, Alise S.; Curtis, Sean P.; Melian, Agustin; Truitt, Ken E.; Star, Vicki L.; Ben-Yehuda, Ori; Geba, Greg P.; Chang, David J.; Fanelle, Christine cc: El-Dada, Riad H.  
DESCRIPTION : E-mail reflecting a request for legal advice and opinions regarding rules and procedures to change labels.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : GRANTED  
SM\_REC\_EXPL : Granted as redacted.  
BOX\_NUM : 6  
FOLDERNO : 16

Document 439 of 501

BATES\_RANGE : MRK-ABA0010012-MRK-ABA0010012  
ATTACHMENTS : Attaching MRK-ABA0010013-MRK-ABA0010016  
PRIV\_CLAIM : Attorney-Client Privilege and Work Product  
DATE : 11/16/01  
AUTHOR : Lahner, Joanne\*  
RECIPIENT : Anstice, David W.; Barr, Eliav; Beauchard, Lucine E.; Benezra-Kurshan, Diane; Bissett, Robert T.\*; Block, Gilbert A.; Blois, David W.; Bold, Thomas M.; Bolognese, James A.; Brady, Leo M.; plus others cc: Boulware-Miller, Kay; Colbert Celia A.\* Dalton, Daniel J.\*; Frazier, Kenneth C.\*; Glasser Harold A.\*; Hacker, Michael A.\*; Henshall, Ronald S.\*; Gregory, Suzanne\*; Matukaitis, Paul D.\*; McGuire, Richard P.\*; Quinlan, Michal D.\*; Sodomora, Shirley E.\*; Steinbugler, Kathryn; Weinstein, Bert I.\*; Loy, Tobi R.\*; Frangiose, Diane\*  
DESCRIPTION : E-mail reflecting legal advice and opinions regarding litigation issues and preparatory measures

Special Master Recommended Ruling - PSC "600"

W\_HELD\_REDAC : taken in anticipation of litigation.  
SM\_REC : Entire document.  
BOX\_NUM : GRANTED  
FOLDERNO : 6  
: 16

Document 440 of 501

BATES\_RANGE : MRK-ABA0010013-MRK-ABA0010016  
ATTACHMENTS : Attached to MRK-ABA0010012-MRK-ABA0010012  
PRIV\_CLAIM : Attorney-Client Privilege and Work Product  
DATE : 11/16/01  
AUTHOR : Lahner, Joanne\*  
RECIPIENT : Anstice, David W.; Barr, Eliav; Beauchard, Lucine E.; Benezra-Kurshan, Diane; Bissett, Robert T.\*; Block, Gilbert A.; Blois, David W.; Bold, Thomas M.; Bolognese, James A.; Brady, Leo M.; plus others cc: Boulware-Miller, Kay; Colbert Celia A.\* Dalton, Daniel J.\*; Frazier, Kenneth C.\*; Glasser Harold A.\*; Hacker, Michael A.\*; Henshall, Ronald S.\*; Gregory, Suzanne\*; Matukaitis, Paul D.\*; McGuire, Richard P.\*; Quinlan, Michal D.\*; Sodomora, Shirley E.\*; Steinbugler, Kathryn; Weinstein, Bert I.\*; Loy, Tobi R.\*; Frangiose, Diane\*  
DESCRIPTION : Memorandum reflecting legal advice and opinions regarding litigation issues and preparatory measures taken in anticipation of litigation.

W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 6  
FOLDERNO : 16

Document 441 of 501

BATES\_RANGE : MRK-ABC0024599-MRK-ABC0024599  
ATTACHMENTS : Attaching MRK-ABC0024600-MRK-ABC0024600 Attaching MRK-ABC0024601-MRK-ABC0024603  
PRIV\_CLAIM : Attorney-Client Privilege and Work Product  
DATE : 08/28/02  
AUTHOR : Fendelander, Helene C.; Nies, Alan S.; incorportaing e-mail from Lahner, Joanne\* to others and cc: Henshall, Ronald S.\*; Steinbugler, Kathryn\*; Dalton, Daniel\*; Colbert, Celia A.\*; Hacker, Michael A.\*; Lewis, Suzanne Gregory\*, atukaitis, Paul D.\*; McGuire  
RECIPIENT : Boslego, John W.; Burek, Dennis; Chodakewitz, Jeffrey A.; Demopoulos, Laura A.; Ewanik, Daria; Fanelle, Christine; Gertz, Barry J.; Margolskee, Dorothy; Morrison, Briggs W.; Nies, Alan S.; Reicin, Alise S.; Reines, Scott A.; Reiss, Theodore; Sabbaj, Jacob  
DESCRIPTION : E-mail reflecting legal advice and opinions regarding litigation issues and preparatory measures taken in anticipation of litigation.

W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 6  
FOLDERNO : 16

Document 442 of 501

BATES\_RANGE : MRK-ABC0024600-MRK-ABC0024600  
ATTACHMENTS : Attached to MRK-ABC0024599-MRK-ABC0024599  
PRIV\_CLAIM : Attorney-Client Privilege and Work Product  
DATE : 08/28/01  
AUTHOR : Lahner, Joanne\*  
RECIPIENT : Anstice, David W.; Barr, Eliav; Beauchard, Lucine E.; Benezra-Kurshan, Diane; Bissett, Robert T.\*; Block, Gilbert A.; Blois, David W.; Bold, Thomas M.; Bolognese, James A.; Cannell, Thomas R.; Casola, Tom M.; Chitty, Dawn; Curtis, Sean P.; Davidovic, David L.; Reicin, Alise S.; Reines, Scott A.; Ronca, Philip D.; Rush, Janet E.; Scolnick, Edward M.; Scott, Didi; Sheares, Bradley T.; Sherwood, Louis M.; Silverman, Robert E.; plus others from distribution cc: Colbert, Celia A.\*; Dalton, Daniel J.\*; Frazier, Kenneth C.\*; Hacker, Michael A.\*; Henshall, Ronald S.\*; Lewis, Suzanne Gregory\*; Matukaitis, Paul D.\*; McGuire, Richard P.\*; Steinbugler, Kathryn\*; Weinstein, Bert I.\*  
DESCRIPTION : E-mail reflecting legal advice and opinions regarding litigation issues and preparatory measures

Special Master Recommended Ruling - PSC "600"

W\_HELD\_REDAC : taken in anticipation of litigation.  
SM\_REC : Entire document.  
BOX\_NUM : GRANTED  
FOLDERNO : 6  
: 16

Document 443 of 501

BATES\_RANGE : MRK-ABC0024601-MRK-ABC0024603  
ATTACHMENTS : Attached to MRK-ABC0024599-MRK-ABC0024599  
PRIV\_CLAIM : Attorney-Client Privilege and Work Product  
DATE : 08/28/01  
AUTHOR : Lahner, Joanne\*  
RECIPIENT : Boslego, John; Burek, Dennis; Chodakewitz, Jeffrey; Demopoulos, Laura A.; Ewanik, Daria; Gertz, Barry; Margolskee, Dorothy; Morrison, Briggs; Nies, Alan; Reicin, Alise; Reines, Scott; Reiss, Theodore; Sabbaj, Jacobo; Sadoff, Jerald; Schodel, Florian; plus others from distribution  
DESCRIPTION : Memorandum reflecting legal advice and opinions regarding litigation issues and preparatory measures taken in anticipation of litigation.

W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 6  
FOLDERNO : 16

Document 444 of 501

BATES\_RANGE : MRK-ABK0150825-MRK-ABK0150827  
ATTACHMENTS : Attaching MRK-ABK0150828-MRK-ABK0150865 Attaching MRK-ABK0150866-MRK-ABK0150904  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/04/02  
AUTHOR : Sperling, Rhoda S.  
RECIPIENT : Lahner, Joanne\*; Reicin, Alise S.  
DESCRIPTION : E-mail reflecting legal advice and opinions regarding a draft abstract concerning VIOXX study results.

W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART; DENIED IN PART  
SM\_REC\_EXPL : Whole e-mail thread has not been listed on the privilege log.  
First message not primarily for legal advice. Sent to many for review - Denied.  
Second message from Lahner does not reveal legal advice - Denied.  
Third message to Lahner related to prior comments of Lahner - Granted.  
Fourth message reveals no request for advice or advice rendered by an attorney - Denied.  
BOX\_NUM : 6  
FOLDERNO : 16

Document 445 of 501

BATES\_RANGE : MRK-ABK0150828-MRK-ABK0150865  
ATTACHMENTS : Attached to MRK-ABK0150825-MRK-ABK0150827  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/04/02  
AUTHOR : Sperling, Rhoda S.  
RECIPIENT : Lahner, Joanne\*; Reicin, Alise S.  
DESCRIPTION : Internal form reflecting a request for legal advice and opinions regarding revised CV review article.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART; DENIED IN PART  
SM\_REC\_EXPL : Attachment to a mixed purpose communication is not privileged but the attached comments of a lawyer may be redacted before production.  
BOX\_NUM : 6  
FOLDERNO : 16

Special Master Recommended Ruling - PSC "600"

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BATES\_RANGE : MRK-ABK0150866-MRK-ABK0150904  
SM\_REC : GRANTED IN PART; DENIED IN PART  
SM\_REC\_EXPL : Attachment to a mixed purpose communication is not privileged but the attached comments of a lawyer may be redacted before production.  
BOX\_NUM : 6  
FOLDERNO : 16

Document 447 of 501

BATES\_RANGE : MRK-ABK0328389-MRK-ABK0328597  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 09/25/00  
AUTHOR : Longest, Greg; White, Carol  
RECIPIENT : Greene, Douglas Alan  
DESCRIPTION : Report reflecting a request for legal advice and opinions regarding regulatory issues.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : GRANTED IN PART; DENIED IN PART  
SM\_REC\_EXPL : p 328477 - Granted as redacted.  
p 328478 - Granted as redacted.  
p 328513 - Granted as redacted.  
p 328534 - Denied because legal advise was not disclosed.  
p 328565 - Denied because the fact that 3 departments, including legal are going to develop strategy is not confidential information protected by the privilege.  
BOX\_NUM : 6  
FOLDERNO : 15

Document 448 of 501

BATES\_RANGE : MRK-ABP0017652-MRK-ABP0017807  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 05/30/01  
AUTHOR : Silverman, Robert E Curley, Paul E Snavely, Duane Keyser, Janet Zhang, Ji Altmeyer, Anne Morrison, Mary Oxberry, Kathleen Winters, Conrad Edelman, Jonathan M Cheung, Anne H Williams, George Ball, William Knorr, Barb  
RECIPIENT : Silverman, Robert E Curley, Paul E Snavely, Duane Keyser, Janet Zhang, Ji Altmeyer, Anne Morrison, Mary Oxberry, Kathleen Winters, Conrad Edelman, Jonathan M Cheung, Anne H Williams, George Ball, William Knorr, Barbara; plus others from distribution  
DESCRIPTION : Agenda reflecting a request for, and provision of, legal advice and opinions regarding study completion dates and legal advice and comments regarding product labeling were rendered.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : DENIED  
SM\_REC\_EXPL : p. 17783 - Denied because time periods don't necessarily reflect legal advice. The fact that a comment relates to a legal issue does not necessarily mean that advice was given on the issue. Many legal requirements are known by regulatory staff.  
BOX\_NUM : 6  
FOLDERNO : 15

Document 449 of 501

BATES\_RANGE : MRK-ABT0074946-MRK-ABT0074946  
ATTACHMENTS : Attaching MRK-ABT0074947-MRK-ABT0074948  
PRIV\_CLAIM : Attorney-Client Privilege and Work Product  
DATE : 02/21/02  
AUTHOR : Lewis, Suzanne Gregory\*  
RECIPIENT : Bain, Raymond P.; Barr, Eliav; Blois, David W.; Braunstein, Ned S.; Distlerath, Linda M.; Gertz, Barry J.; Goldmann, Bonnie J.; Guess, Harry A.; Hostelley, Linda S.; Jerman, Jo C.; Leitmeyer, John E.; Morrison, Briggs W.; Nies, Alan S.; Oppenheimer, Leonard; plus others from distribution list cc: Lahner, Joanne\*; Loy, Tobi R.\*; Cabulong, Frederick X. P.; Gilchrist, Cynthia L.; Moore, Charlotte S.; Wuest, Anita; plus others from distribution list  
DESCRIPTION : E-mail transmitting memorandum reflecting legal advice and opinions regarding litigation issues

and preparatory measures taken in anticipation of Vioxx litigation.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 6  
FOLDERNO : 16

Document 450 of 501

BATES\_RANGE : MRK-ABT0074947-MRK-ABT0074948  
ATTACHMENTS : Attached to MRK-ABT0074946-MRK-ABT0074946  
PRIV\_CLAIM : Attorney-Client Privilege and Work Product  
DATE : 02/21/02  
AUTHOR : Lewis, Suzanne Gregory\*  
RECIPIENT : Bain, R.; Barr, E.; Blois, D.; Braunstein, Ned; Distlerath, L.; Gertz, B.; Goldmann, B.; Guess, H.;  
Hostelley, L.; Jerman, Jo cc: Lahner, Joanne\*; Loy, Tobi\*; Cabulong, Frederick X.P.; Felicetta,  
Patrick plus others in the distribution

DESCRIPTION : Memorandum reflecting legal advice and opinions regarding litigation issues and preparatory  
measures taken in anticipation of litigation.

W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 6  
FOLDERNO : 16

Document 451 of 501

BATES\_RANGE : MRK-ABX0024854-MRK-ABX0024854  
ATTACHMENTS : Attaching MRK-ABX0024855-MRK-ABX0024858  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/09/02  
AUTHOR : Lahner, Joanne\*  
RECIPIENT : Blois, David W.; Goldmann, Bonnie J.; Reicin, Alise S.; Gertz, Barry J.; Greene, Douglas Alan;  
Honig, Peter K.; Kornowski, Sophie P.; Schechter, Adam H.; Taglieber, Ulrich; Bold, Thomas M.;  
White-Guay, Brian; Braunstein, Ned S.; Silverman, Robert E.; Ruef, Timothy F.

DESCRIPTION : E-mail reflecting legal advice and opinions regarding draft letter to healthcare professionals dealing  
with VIGOR study.

W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART DENIED IN PART  
SM\_REC\_EXPL : First message is not to lawyers - DENIED. Second message is mixed in purpose because it is  
sent to both lawyers and non-lawyers - DENIED. Third e-mail from Lahner - GRANTED.  
BOX\_NUM : 6  
FOLDERNO : 16

Document 452 of 501

BATES\_RANGE : MRK-ABX0024855-MRK-ABX0024858  
ATTACHMENTS : Attached to MRK-ABX0024854-MRK-ABX0024854  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/09/02  
AUTHOR : Lahner, Joanne\*  
RECIPIENT : Blois, David W.; Goldmann, Bonnie J.; Reicin, Alise S.; Gertz, Barry J.; Greene, Douglas Alan;  
Honig, Peter K.; Kornowski, Sophie P.; Schechter, Adam H.; Taglieber, Ulrich; Bold, Thomas M.;  
White-Guay, Brian; Braunstein, Ned S.; Silverman, Robert E.; Ruef, Timothy F.

DESCRIPTION : Draft correspondence reflecting legal advice and opinions regarding VIGOR study relating to  
prescribing and patient product information.

W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED  
SM\_REC\_EXPL : Attachment to a mixed purpose communication is not privileged.  
BOX\_NUM : 6  
FOLDERNO : 16

Special Master Recommended Ruling - PSC "600"

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BATES\_RANGE : MRK-ABX0025878-MRK-ABX0025879  
PRIV\_CLAIM : Attorney-Client Privilege and Work Product  
DATE : 04/03/02  
AUTHOR : Lahner, Joanne\*  
RECIPIENT : Gertz, Barry J.; Greene, Douglas Alan; Honig, Peter K.; Goldmann, Bonnie J.; cc: Schechter, Adam H.  
DESCRIPTION : E-mail reflecting legal advice and opinions regarding litigation issues and preparatory measures taken in anticipation of litigation.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART; DENIED IN PART  
SM\_REC\_EXPL : Whole e-mail thread has not been listed on the privilege log. First six messages are either not sent to a lawyer or only copied to a lawyer. Legal advice, therefore, was either not the purpose or not the primary purpose of any of them - **Denied**. Seventh message from Lahner - **Granted**.  
BOX\_NUM : 6  
FOLDERNO : 16

Document 454 of 501

BATES\_RANGE : MRK-ACD0004645-MRK-ACD0004645  
ATTACHMENTS : Attaching MRK-ACD0004646-MRK-ACD0004648  
PRIV\_CLAIM : Attorney-Client Privilege and Work Product  
DATE : 10/05/01  
AUTHOR : Silverman, Robert E. incorporating email from Weiner, Jan D. to Lahner, Joanne\*; Henshall, Ronald S.\*  
RECIPIENT : Weiner, Jan D. cc: Reicin, Alise S.; Demopoulos, Laura A.  
DESCRIPTION : E-mail reflecting legal advice and opinions regarding draft press release and preparatory measures taken in anticipation of litigation.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED  
SM\_REC\_EXPL : Message and attachment are not primarily for legal advice - sent to many, including two lawyers. Not providing legal advice - only exploring alternative format for developing language for submission to DDMAC.  
BOX\_NUM : 6  
FOLDERNO : 17

Document 455 of 501

BATES\_RANGE : MRK-ACD0004646-MRK-ACD0004648  
ATTACHMENTS : Attached to MRK-ACD0004645-MRK-ACD0004645  
PRIV\_CLAIM : Attorney-Client Privilege and Work Product  
DATE : 10/05/01  
AUTHOR : Silverman, Robert E.  
RECIPIENT : Weiner, Jan D. cc: Reicin, Alise S.; Demopoulos, Laura A.: incorporating email to Lahner, Joanne\* and Henshall, Ronald\*.  
DESCRIPTION : Draft press release attached to email requesting legal advice and opinions from Lahner, Joanne\* regarding press release and regulatory issues.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART; DENIED IN PART  
SM\_REC\_EXPL : Attachment to a mixed purpose communication is not privileged but the attached comments of a lawyer may be redacted before production.  
BOX\_NUM : 6  
FOLDERNO : 17

Document 456 of 501

BATES\_RANGE : MRK-ACD0014124-MRK-ACD0014124  
PRIV\_CLAIM : Attorney-Client Privilege and Work Product  
DATE : 10/06/01

Special Master Recommended Ruling - PSC "600"

AUTHOR : Demopoulos, Laura A.  
RECIPIENT : Weiner, Jan D. cc: Gertz, Barry J.; Reicin, Alise S.; Silverman, Robert E.; Lahner, Joanne\*  
DESCRIPTION : E-mail reflecting legal advice and opinions from Lahner Joanne\* regarding regulatory issues.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : DENIED  
SM\_REC\_EXPL : Redaction addresses how Lahner wants to develop language. Substantive legal advice is not disclosed.  
BOX\_NUM : 6  
FOLDERNO : 17

Document 457 of 501

BATES\_RANGE : MRK-ACD0024221-MRK-ACD0024222  
ATTACHMENTS : Attaching MRK-ACD0024223-MRK-ACD0024224  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 12/10/01  
AUTHOR : Lahner, Joanne\*  
RECIPIENT : Braunstein, Ned S. cc: Reines, Scott A.; Reicin, Alise S.; Bain, Raymond P.; Gertz, Barry J.; Silverman, Robert E.  
DESCRIPTION : E-mail reflecting legal advice and opinions regarding draft VIOXX FDA letter.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED  
SM\_REC\_EXPL : Whole e-mail thread has not been listed on the privilege log. First two messages sent to Lahner and many others. It was not primarily for the purpose of obtaining legal assistance. Third message from Lahner reveals no comments of Lahner.

BOX\_NUM : 6  
FOLDERNO : 16

Document 458 of 501

BATES\_RANGE : MRK-ACD0024223-MRK-ACD0024224  
ATTACHMENTS : Attached to MRK-ACD0024221-MRK-ACD0024222  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 12/10/01  
AUTHOR : Lahner, Joanne\*  
RECIPIENT : Braunstein, Ned S. cc: Reines, Scott A.; Reicin, Alise S.; Bain, Raymond P.; Gertz, Barry J.; Silverman, Robert E.  
DESCRIPTION : Draft correspondence reflecting legal advice and opinions regarding Vioxx response to agency and promotional issues.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART; DENIED IN PART  
SM\_REC\_EXPL : Attachment to a mixed purpose communication is not privileged but the attached comments of a lawyer may be redacted before production.

BOX\_NUM : 6  
FOLDERNO : 16

Document 459 of 501

BATES\_RANGE : MRK-ACD0041501-MRK-ACD0041501  
ATTACHMENTS : Attaching MRK-ACD0041502-MRK-ACD0041503  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/09/02  
AUTHOR : Colbert, Celia A.\*  
RECIPIENT : Henshall, Ronald S.\*; Lewis, Suzanne Gregory\*; Lahner, Joanne\*; Scolnick, Edward M.; Kim, Peter S.; Greene, Douglas Alan; Gertz, Barry J.; Braunstein, Ned S.; Goldmann, Bonnie J; Silverman, Robert E.; plus others in distribution list cc: Frazier, Kenneth C.\*  
DESCRIPTION : E-mail reflecting legal advice and opinions regarding regulatory issues.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED

Special Master Recommended Ruling - PSC "600"

BOX\_NUM : 6  
FOLDERNO : 16

Document 460 of 501

BATES\_RANGE : MRK-ACD0041502-MRK-ACD0041503  
ATTACHMENTS : Attached to MRK-ACD0041501-MRK-ACD0041501  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/09/02  
AUTHOR : Colbert, Celia A.\*  
RECIPIENT : Silverman, Robert; and others; cc: Frazier, Kenneth C.\*  
DESCRIPTION : Memorandum legal advice and opinions regarding trading restrictions in Merck securities.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 6  
FOLDERNO : 16

Document 461 of 501

BATES\_RANGE : MRK-ACO0016646-MRK-ACO0016646  
ATTACHMENTS : Attaching MRK-ACO0016647-MRK-ACO0016648  
PRIV\_CLAIM : Attorney-Client Privilege and Work Product  
DATE : 04/23/02  
AUTHOR : Lewis, Suzanne M. Gregory\*  
RECIPIENT : Bold, Thomas M.  
DESCRIPTION : E-mail reflecting legal advice and opinions regarding litigation issues and preparatory measures taken in anticipation of litigation.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 6  
FOLDERNO : 16

Document 462 of 501

BATES\_RANGE : MRK-ACO0016647-MRK-ACO0016648  
ATTACHMENTS : Attached to MRK-ACO0016646-MRK-ACO0016646  
PRIV\_CLAIM : Attorney-Client Privilege and Work Product  
DATE : Undated  
AUTHOR : Lewis, Suzanne M. Gregory\*  
RECIPIENT : Bain, R.; Barr, E.; Blois, D.; Braunstein, Ned; Distlerath, L.; Gertz, B.; Goldmann, B.; Guess, H.; Hosteley, L.; Jerman, Jo cc: Lahner, Joanne\*; Loy, Tobi\*; Cabulong, Frederick X.P.; Felicetta, Patrick plus others in the distribution  
DESCRIPTION : Memorandum reflecting legal advice and opinions regarding litigation issues and preparatory measures taken in anticipation of litigation.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 6  
FOLDERNO : 16

Document 463 of 501

BATES\_RANGE : MRK-ACR0003979-MRK-ACR0003979  
ATTACHMENTS : Attaching MRK-ACR0003980-MRK-ACR0003981  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 02/25/02  
AUTHOR : Keyser, Janet M.  
RECIPIENT : Olson, R. Brent\* cc: Blois, David W.; Greene, Douglas Alan; Nies, Alan S.; Guerra, Jorge G.; de Jesus, Daniel G.; Sabbaj, Jacobo; Ditzler, Warren D.; Sanjuan, Nelly P.; Keyser, Janet M.  
DESCRIPTION : E-mail reflecting a request for legal advice and legal opinions regarding an investigation outside the United States.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED

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SM\_REC\_EXPL : Olson, a non-lawyer, requested that information be sent to him by the author of the message.  
There was an inadequate explanation of why. Advice was not sought by Keyser.  
BOX\_NUM : 6  
FOLDERNO : 16

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BATES\_RANGE : MRK-ACR0003980-MRK-ACR0003981  
ATTACHMENTS : Attached to MRK-ACR0003979-MRK-ACR0003979  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 02/25/02  
AUTHOR : Keyser, Janet M.  
RECIPIENT : Olson, R. Brent\* cc: Blois, David W.; Greene, Douglas Alan; Nies, Alan S.; Guerra, Jorge G.; de  
Jesus, Daniel G.; Sabbaj, Jacobo; Ditzler, Warren D.; Sanjuan, Nelly P.  
DESCRIPTION : Draft memorandum reflecting client confidences and a request for legal advice and opinions  
regarding Vigor study in Argentina.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED  
SM\_REC\_EXPL : Attachment to a non-privileged communication is not privileged.  
BOX\_NUM : 6  
FOLDERNO : 16

Document 465 of 501

BATES\_RANGE : MRK-ACW0001871-MRK-ACW0001871  
ATTACHMENTS : Attaching MRK-ACW0001872-MRK-ACW0001874  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 05/02/00  
AUTHOR : Lahner, Joanne\*  
RECIPIENT : Blake, Mary Elizabeth cc: Weiner, Jan D.; Reicin, Alise S.; Distlerath, Linda M.  
DESCRIPTION : E-mail reflecting legal advice and opinions regarding draft public relations document involving  
VIGOR news release.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART; DENIED IN PART  
SM\_REC\_EXPL : Whole e-mail thread has not been listed on the privilege log. First message with attachment not  
sent to lawyers. No legal advice was sought - DENIED. Second message sent to lawyer and  
non-lawyer. Legal advice was not the primary purpose of the communication - DENIED. Third  
message from Lahner - GRANTED.  
BOX\_NUM : 6  
FOLDERNO : 16

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BATES\_RANGE : MRK-ACW0001872-MRK-ACW0001874  
ATTACHMENTS : Attached to MRK-ACW0001871-MRK-ACW0001871  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 05/02/00  
AUTHOR : Lahner, Joanne\*  
RECIPIENT : Blake, Mary Elizabeth cc: Weiner, Jan D.; Reicin, Alise S.; Distlerath, Linda M.  
DESCRIPTION : Draft public relations document reflecting legal advice and opinions regarding press release.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART; DENIED IN PART  
SM\_REC\_EXPL : Attachment to a mixed purpose communication is not privileged but the attached comments of a  
lawyer may be redacted before production.  
BOX\_NUM : 6  
FOLDERNO : 16

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BATES\_RANGE : MRK-ACW0001875-MRK-ACW0001876  
ATTACHMENTS : Attaching MRK-ACW0001877-MRK-ACW0001879  
PRIV\_CLAIM : Attorney-Client Privilege

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DATE : 05/02/00  
AUTHOR : Reicin, Alise S.  
RECIPIENT : Lahner, Joanne\*; Blake, Mary Elizabeth  
DESCRIPTION : E-mail reflecting legal advice and opinions and a request for legal advice and opinions regarding draft public relations document involving VIGOR news release.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART; DENIED IN PART  
SM\_REC\_EXPL : Whole e-mail thread has not been listed on the privilege log. First message with attachment not sent to lawyers. No legal advice was sought - DENIED. Second message sent to lawyer and non-lawyer. Legal advice was not the primary purpose of the communication - DENIED. Third message from Lahner - GRANTED. Fourth message not primarily for legal advice because sent to lawyer and non-lawyer - DENIED.  
BOX\_NUM : 6  
FOLDERNO : 16

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BATES\_RANGE : MRK-ACW0001877-MRK-ACW0001879  
ATTACHMENTS : Attached to MRK-ACW0001875-MRK-ACW0001876  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 05/02/00  
AUTHOR : Reicin, Alise S.  
RECIPIENT : Lahner, Joanne\*; Blake, Mary Elizabeth  
DESCRIPTION : Draft public relations document reflecting legal advice and opinions regarding possible press release.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART; DENIED IN PART  
SM\_REC\_EXPL : Attachment to a mixed purpose communication is not privileged but the attached comments of a lawyer may be redacted before production.  
BOX\_NUM : 6  
FOLDERNO : 16

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BATES\_RANGE : MRK-ADI0006428-MRK-ADI0006428  
ATTACHMENTS : Attaching MRK-ADI0006429-MRK-ADI0006431  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 10/05/01  
AUTHOR : Silverman, Robert E. incorporating email from Weiner, Jan D. to Lahner, Joanne\*; Henshall, Ronald S.\*  
RECIPIENT : Weiner, Jan D. cc: Reicin, Alise S.; Demopoulos, Laura A.  
DESCRIPTION : E-mail reflecting a request for legal advice and opinions regarding draft press release.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED  
SM\_REC\_EXPL : Message and attachment are not primarily for legal advice - sent to many, including two lawyers. Not providing legal advice - only exploring alternative format for developing language for submission to DDMAC.  
BOX\_NUM : 6  
FOLDERNO : 17

Document 470 of 501

BATES\_RANGE : MRK-ADI0006429-MRK-ADI0006431  
ATTACHMENTS : Attached to MRK-ADI0006428-MRK-ADI0006428  
PRIV\_CLAIM : Attorney-Client Privilege and Work Product  
DATE : 10/05/01  
AUTHOR : Silverman, Robert E.  
RECIPIENT : Weiner, Jan D. cc: Reicin, Alise S.; Demopoulos, Laura A.: incorporating email to Lahner, Joanne\* and Henshall, Ronald\*.  
DESCRIPTION : Draft press release attached to email requesting legal advice and opinions from Lahner, Joanne\* regarding press release and regulatory issues.  
W\_HELD\_REDAC : Entire document.

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SM\_REC : GRANTED IN PART; DENIED IN PART  
SM\_REC\_EXPL : Attachment to a mixed purpose communication is not privileged but the attached comments of a lawyer may be redacted before production.

BOX\_NUM : 6  
FOLDERNO : 17

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BATES\_RANGE : MRK-ADI0006467-MRK-ADI0006467  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 10/05/01  
AUTHOR : Weiner, Jan D.  
RECIPIENT : Gertz, Barry J.; Reicin, Alise S.; Demopoulos, Laura A. cc: Fanelle, Christine; Bloomfield, John M.; Inoa-Gonzalez, Carmen  
DESCRIPTION : E-mail reflecting legal advice and opinions from Lahner, Joanne\* regarding draft news release to DDMAC.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : DENIED  
SM\_REC\_EXPL : Redaction refers to how Lahner wants to develop language. It does not reveal legal advice.  
BOX\_NUM : 6  
FOLDERNO : 17

Document 472 of 501

BATES\_RANGE : MRK-ADI0006480-MRK-ADI0006480  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 10/06/01  
AUTHOR : Demopoulos, Laura A.  
RECIPIENT : Weiner, Jan D. cc: Gertz, Barry J.; Reicin, Alise S.; Silverman, Robert E.; Lahner, Joanne\*  
DESCRIPTION : E-mail reflecting legal advice and opinions from Lahner Joanne\* regarding regulatory issues.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : DENIED  
SM\_REC\_EXPL : Redaction addresses how Lahner wants to develop language. Substantive legal advice is not disclosed.  
BOX\_NUM : 6  
FOLDERNO : 17

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BATES\_RANGE : MRK-ADI0006484-MRK-ADI0006484  
ATTACHMENTS : Attaching MRK-ADI0006485-MRK-ADI0006487  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 10/07/01  
AUTHOR : Reicin, Alise S.  
RECIPIENT : Weiner, Jan D. cc: Gertz, Barry J.; Demopoulos, Laura A.; Fanelle, Christine; Bloomfield, John M.  
DESCRIPTION : E-mail reflecting legal advice and opinions from Lahner, Joanne\* regarding regulatory issues.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : DENIED  
SM\_REC\_EXPL : Redaction refers to home Lahner wants to develop language. It does not reveal legal advice.  
BOX\_NUM : 6  
FOLDERNO : 17

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BATES\_RANGE : MRK-ADI0006485-MRK-ADI0006487  
ATTACHMENTS : Attached to MRK-ADI0006484-MRK-ADI0006484  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 10/07/01  
AUTHOR : Reicin, Alise S.  
RECIPIENT : Weiner, Jan D. cc: Gertz, Barry J.; Demopoulos, Laura A.; Fanelle, Christine; Bloomfield, John M.  
DESCRIPTION : Draft press release attached to email incorporating legal advice and opinions from Lahner, Joanne\*

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and legal regarding press release and regulatory issues.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED  
SM\_REC\_EXPL : Redaction refers to how Lahner wants to develop language. It does not reveal legal advice.

BOX\_NUM : 6  
FOLDERNO : 17

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BATES\_RANGE : MRK-ADI0006839-MRK-ADI0006839  
ATTACHMENTS : Attaching MRK-ADI0006840-MRK-ADI0006842  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 10/06/01  
AUTHOR : Demopoulos, Laura A.  
RECIPIENT : Weiner, Jan D. cc: Gertz, Barry J.; Reicin, Alise S.; Silverman, Robert E.; Lahner, Joanne\*  
DESCRIPTION : E-mail reflecting legal advice and opinions from Lahner, Joanne\* regarding regulatory issues.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED  
SM\_REC\_EXPL : Whole e-mail thread is not listed on the privilege log.  
In first message reference to Lahner reveals only how she wants to develop language. It does not reveal legal advice. Second message not primarily for legal advice. Copy went to Lahner, but addressed to a non-lawyer.

BOX\_NUM : 6  
FOLDERNO : 17

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BATES\_RANGE : MRK-ADI0006840-MRK-ADI0006842  
ATTACHMENTS : Attached to MRK-ADI0006839-MRK-ADI0006839  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 10/06/01  
AUTHOR : Demopoulos, Laura A.  
RECIPIENT : Weiner, Jan D.; Gertz, Barry J. Lahner, Joanne\*; Reicin, Alise S.; Silverman, Robert E.  
DESCRIPTION : Draft public relations document reflecting a request for legal advice and opinions regarding drafting issues.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART; DENIED IN PART  
SM\_REC\_EXPL : Attachment to a mixed purpose communication is not privileged but the attached comments of a lawyer may be redacted before production.

BOX\_NUM : 6  
FOLDERNO : 17

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BATES\_RANGE : MRK-ADI0006843-MRK-ADI0006843  
ATTACHMENTS : Attaching MRK-ADI0006844-MRK-ADI0006846  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 10/07/01  
AUTHOR : Reicin, Alise S.  
RECIPIENT : Weiner, Jan D. cc: Gertz, Barry J.; Demopoulos, Laura A.; Fanelle, Christine; Bloomfield, John M.  
DESCRIPTION : E-mail reflecting legal advice and opinions from Lahner, Joanne\* regarding regulatory issues.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : DENIED  
SM\_REC\_EXPL : Redaction refers to how Lahner wants to develop language. It does not reveal legal advice.

BOX\_NUM : 6  
FOLDERNO : 17

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BATES\_RANGE : MRK-ADI0006844-MRK-ADI0006846

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ATTACHMENTS : Attached to MRK-ADI0006843-MRK-ADI0006843  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 10/07/01  
AUTHOR : Reicin, Alise S.  
RECIPIENT : Weiner, Jan D. cc: Gertz, Barry J.; Demopoulos, Laura A.; Fanelle, Christine; Bloomfield, John M.  
DESCRIPTION : Draft public relations document reflecting a request to Lahner, Joanne\* for legal advice and opinions regarding drafting issues.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED  
SM\_REC\_EXPL : Redaction refers to how Lahner wants to develop language. It does not reveal legal advice.

BOX\_NUM : 6  
FOLDERNO : 17

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BATES\_RANGE : MRK-ADI0008038-MRK-ADI0008038  
ATTACHMENTS : Attaching MRK-ADI0008039-MRK-ADI0008039  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 01/25/01  
AUTHOR : Baran, Lindy  
RECIPIENT : Anstice, David W.; Blake, Mary Elizabeth; Beauchard, Lucine E.; Bissett, Robert T.\*; Daigler, Nancy J.; Dixon, Wendy L.; Dorsa, Caroline; Gertz, Barry J.; Goldmann, Bonnie J.; Greene, Douglas Alan; Hirsch, Laurence J.; Jordan, Laura J.; Kaufman, Art; Kim, Peter S.; Kornowski, Sophie; Lahner, Joanne\*; Lewent, Judy C.; McGlynn, Margaret G.; Nies, Alan S.; Reaves, Gregory E.; Reicin, Alise S.; Scolnick, Edward M.; Slater, Eve E.; Wainwright, Joan; Weiner, Jan D.; Wold-Olsen, Per cc: Colbert, Celia A.\*; Frazier, Kenneth C.\*  
DESCRIPTION : E-mail reflecting enclosed legal advice and opinions of Frazier, Kenneth C.\* regarding VIGOR regulatory issues.

W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 6  
FOLDERNO : 16

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BATES\_RANGE : MRK-ADI0008039-MRK-ADI0008039  
ATTACHMENTS : Attached to MRK-ADI0008038-MRK-ADI0008038  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 01/25/01  
AUTHOR : Frazier, Kenneth C.\*  
RECIPIENT : Anstice, David W., Bissett, Robert, Lahner, Joanne \*, Dixon, Wendy L., Dorsa, Caroline, Gertz, Barry J., Goldmann, Bonnie J., Greene, Douglass Dr., Kaufman, Art, Kim Peter S, plus others from distribution list; cc: Colbert, Celia A. \*

DESCRIPTION : Memorandum reflecting legal advice and opinions regarding trading caution and Vioxx advisory committee meeting.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
BOX\_NUM : 6  
FOLDERNO : 16

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BATES\_RANGE : MRK-ADI0025960-MRK-ADI0025961  
PRIV\_CLAIM : Attorney-Client Privilege and Work Product  
DATE : 04/06/02  
AUTHOR : Wambold, Deb  
RECIPIENT : Reicin, Alise S.; Schechter, Adam H.; Gertz, Barry J.; Coram, Greg; Kim, Peter S. cc: Lewis, Suzanne M. Gregory\*; Fanelle, Christine; Lahner, Joanne\*; Weiner, Jan D.; Reaves, Gregory E.; Spencer, Linda G.; Patryk, Robb\*; Reed, Pamela R.; Mechler, Elaine H  
DESCRIPTION : E-mail reflecting a request for legal advice and opinions regarding label change and public

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relations issues.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED  
SM\_REC\_EXPL : Message sent to many and copied to lawyers. It was not sent primarily for obtaining legal advice.  
BOX\_NUM : 6  
FOLDERNO : 16

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BATES\_RANGE : MRK-ADI0025962-MRK-ADI0025963  
PRIV\_CLAIM : Attorney-Client Privilege and Work Product  
DATE : 04/06/02  
AUTHOR : Wambold, Deb  
RECIPIENT : Reicin, Alise S.; Schechter, Adam H.; Gertz, Barry J.; Coram, Greg; Kim, Peter S. cc: Lewis, Suzanne M. Gregory\*; Fanelle, Christine; Lahner, Joanne\*; Weiner, Jan D.; Reaves, Gregory E.; Spencer, Linda G.; Patryk, Robb\*; Reed, Pamela R.; Mechler, Elaine H  
DESCRIPTION : E-mail reflecting a request for legal advice and opinions regarding regulatory issues and preparatory measures taken in anticipation of litigation.

W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED  
SM\_REC\_EXPL : Message sent to many and copied to lawyers. It was not sent primarily for obtaining legal advice.  
BOX\_NUM : 6  
FOLDERNO : 16

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BATES\_RANGE : MRK-ADM0077639-MRK-ADM0077640  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/09/02  
AUTHOR : Brakewood, E.B.E.; incorporating e-mail to Lahner, Joanne\*  
RECIPIENT : Regnante, Jeanne Marie; Goldberg, Allan I.; Reicin, Alise S.; Curtis, Sean P.; Melian, Agustin; Truitt, Ken E.; Star, Vicki L.; Ben-Yehuda, Ori; Geba, Gregory P.; Chang, David J.; Fanelle, Christine cc: El-Dada, Riad H.  
DESCRIPTION : E-mail reflecting a request for legal advice and opinions regarding rules and procedures to change labels.

W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : GRANTED  
SM\_REC\_EXPL : Granted as redacted.  
BOX\_NUM : 6  
FOLDERNO : 16

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BATES\_RANGE : MRK-ADW0082173-MRK-ADW0082174  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/14/02  
AUTHOR : Lahner, Joanne\*  
RECIPIENT : Dunn, Jim cc: Lewis, Suzanne M. Gregory\*; Ralls-Morrison, Desiree Ann\*  
DESCRIPTION : E-mail reflecting legal advice and opinions of Lahner, Joanne\* regarding draft of New Vioxx Circular and related sampling.

W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART; DENIED IN PART  
SM\_REC\_EXPL : Whole e-mail thread has not been listed on the privilege log. First message copied to one lawyer and sent to many other people. Legal advice was not the primary purpose of the communication - **Denied**.  
Second and third messages simply sent first message along FYI. No legal advice being given - **Denied**.

Fourth and fifth messages to and from Lahner - **Granted**.  
BOX\_NUM : 6  
FOLDERNO : 16

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BATES\_RANGE : MRK-AFI0153966-MRK-AFI0153966  
ATTACHMENTS : Attaching MRK-AFI0153967-MRK-AFI0154001  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 02/21/01  
AUTHOR : Lahner, Joanne\*  
RECIPIENT : Reicin, Alise S. cc: Baumgartner, Susan L.  
DESCRIPTION : E-mail reflecting legal advice and opinions regarding study presentation slides.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART; DENIED IN PART  
SM\_REC\_EXPL : Whole e-mail thread has not been listed on the privilege log. First message and attachment sent to three, only one of whom was a lawyer. It was not primarily for obtaining legal advice - DENIED. Second message from Lahner - GRANTED.  
  
BOX\_NUM : 6  
FOLDERNO : 16

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BATES\_RANGE : MRK-AFI0153967-MRK-AFI0154001  
ATTACHMENTS : Attached to MRK-AFI0153966-MRK-AFI0153966  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 02/21/01  
AUTHOR : Lahner, Joanne\*  
RECIPIENT : Reicin, Alise S. cc: Baumgartner, Susan L.  
DESCRIPTION : Presentation reflecting legal advice and opinions regarding promotional, study and FDA regulatory issues.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART; DENIED IN PART  
SM\_REC\_EXPL : Attachment to a mixed purpose communication is not privileged, but the attached comments of a lawyer may be redacted before production.  
  
BOX\_NUM : 6  
FOLDERNO : 16

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BATES\_RANGE : MRK-AFO0163276-MRK-AFO0163276  
ATTACHMENTS : Attaching MRK-AFO0163281-MRK-AFO0163303 Attaching MRK-AFO0163279-MRK-AFO0163279  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 02/26/02  
AUTHOR : Grosser, Karen  
RECIPIENT : Lahner, Joanne\*; Reicin, Alise S.; Gertz, Barry J. cc: Reed, Pamela R.; Inoa-Gonzalez, Carmen; Curtis, Sean P.; Simon, Thomas J.; DiBattiste, Peter M.; Demopoulos, Laura A.  
DESCRIPTION : E-mail reflecting a request for legal advice and opinions regarding internal presentation of epi study.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED  
SM\_REC\_EXPL : Sent to both lawyers and non-lawyers for comment. Not primarily concerned with obtaining legal advice.  
  
BOX\_NUM : 6  
FOLDERNO : 16

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BATES\_RANGE : MRK-AFO0163279-MRK-AFO0163279  
SM\_REC : GRANTED IN PART; DENIED IN PART  
SM\_REC\_EXPL : Attachment to a mixed purpose communication is not privileged.

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BOX\_NUM : 6  
FOLDERNO : 16

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BATES\_RANGE : MRK-AFO0163281-MRK-AFO0163303  
ATTACHMENTS : Attached to MRK-AFO0163276-MRK-AFO0163276  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 02/26/02  
AUTHOR : Grosser, Karen  
RECIPIENT : Lahner, Joanne\*; Reicin, Alise S.; Gertz, Barry J. cc: Reed, Pamela R.; Inoa-Gonzalez, Carmen; Curtis, Sean P.; Simon, Thomas J.; DiBattiste, Peter M.; Demopoulos, Laura A.  
DESCRIPTION : Presentation sent to Lahner, Joanne\* for legal advice and opinions regarding regulatory issues.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART; DENIED IN PART  
SM\_REC\_EXPL : Attachment to a mixed purpose communication is not privileged but the attached comments of a lawyer may be redacted before production.

BOX\_NUM : 6  
FOLDERNO : 16

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BATES\_RANGE : MRK-AFV0078963-MRK-AFV0078964  
ATTACHMENTS : Attaching MRK-AFV0078965-MRK-AFV0078966  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 12/10/01  
AUTHOR : Lahner, Joanne\*  
RECIPIENT : Braunstein, Ned S. cc: Reines, Scott A.; Reicin, Alise S.; Bain, Raymond P.; Gertz, Barry J.; Silverman, Robert E.  
DESCRIPTION : E-mail reflecting legal advice and opinions regarding draft VIOXX FDA letter.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED  
SM\_REC\_EXPL : Whole e-mail thread has not been listed on the privilege log. First two messages sent to Lahner and many others. It was not primarily for the purpose of obtaining legal assistance. Third message from Lahner reveals no comments of Lahner.

BOX\_NUM : 6  
FOLDERNO : 16

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BATES\_RANGE : MRK-AFV0078965-MRK-AFV0078966  
ATTACHMENTS : Attached to MRK-AFV0078963-MRK-AFV0078964  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 12/10/01  
AUTHOR : Lahner, Joanne\*  
RECIPIENT : Braunstein, Ned S. cc: Reines, Scott A.; Reicin, Alise S.; Bain, Raymond P.; Gertz, Barry J.; Silverman, Robert E.  
DESCRIPTION : Draft internal document reflecting legal advice and opinions regarding Vioxx response to agency and regulatory and study issues.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED IN PART; DENIED IN PART  
SM\_REC\_EXPL : Attachment to a mixed purpose communication is not privileged, but comments of lawyer on attachment can be redacted before production.

BOX\_NUM : 6  
FOLDERNO : 16

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BATES\_RANGE : MRK-AHE0030547-MRK-AHE0030548

Special Master Recommended Ruling - PSC "600"

PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/09/02  
AUTHOR : Brakewood, E.B.E.; incorporating e-mail to Lahner, Joanne\*  
RECIPIENT : Regnante, Jeanne M.; Goldberg, Allan I.; Reicin, Alise S.; Curtis, Sean P.; Melian, Agustin; Truitt, Ken E.; Star, Vicki L.; Ben-Yehuda, Ori; Geba, Gregory P.; Chang, David J.; Fanelle, Christine cc: El-Dada, Riad H.  
DESCRIPTION : E-mail reflecting a request for legal advice and opinions regarding Vioxx label change.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : GRANTED  
SM\_REC\_EXPL : Granted as redacted.  
BOX\_NUM : 6  
FOLDERNO : 16

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BATES\_RANGE : MRK-AHE0051119-MRK-AHE0051120  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 04/09/02  
AUTHOR : Brakewood, E.B.E.; incorporating e-mail to Lahner, Joanne.\*  
RECIPIENT : Regnante, Jeanne M.; Goldberg, Allan I.; Reicin, Alise S.; Curtis, Sean P.; Melian, Agustin; Truitt, Ken E.; Star, Vicki L.; Ben-Yehuda, Ori; Geba, Gregory P.; Chang, David J.; Fanelle, Christine cc: El-Dada, Riad H.  
DESCRIPTION : E-mail reflecting a request for legal advice and opinions regarding Vioxx label change.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : GRANTED  
SM\_REC\_EXPL : Granted as redacted.  
BOX\_NUM : 6  
FOLDERNO : 16

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BATES\_RANGE : MRK-AKU0001931-MRK-AKU0001931  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 10/06/01  
AUTHOR : Demopoulos, Laura A.  
RECIPIENT : Weiner, Jan D. cc: Gertz, Barry J.; Reicin, Alise S.; Silverman, Robert E.; Lahner, Joanne\*  
DESCRIPTION : E-mail reflecting a request for legal advice and opinions regarding CV study release to the DDMAC.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : DENIED  
SM\_REC\_EXPL : Redaction addresses how Lahner wants to develop language. It does not reveal legal advice.  
BOX\_NUM : 6  
FOLDERNO : 17

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BATES\_RANGE : MRK-AAD0108323-MRK-AAD0108324  
ATTACHMENTS : Attaching MRK-AAD0108325-MRK-AAD0108331  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 10/08/01  
AUTHOR : Truitt, Ken E.  
RECIPIENT : Quinlan, Michael D.\* cc: Reicin, Alise S.  
DESCRIPTION : E-mail reflecting legal advice and opinions regarding public relations issues.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED  
SM\_REC\_EXPL : First message not sent to a lawyer - DENIED. It is not revealed how first non-privileged message was attached to a confidential communication to Quinlan.  
Quinlan's message sending the first message to othes for review and comment is not shown to be necessary for Quinlan's advice as opposed to a circulation in the normal course of buisness.

Additionally, one of the addressees, Kenneth F. Pruitt, is not identified or on the list of corporate employees.

Messaeg from Quinlan about wrong address is not legal.

Responsive communication from Truitt is not privileged because of deficiency in first Quinlan message.

BOX\_NUM : 6-A

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BATES\_RANGE : MRK-ABK0165059-MRK-ABK0165059  
ATTACHMENTS : Attaching MRK-ABK0165060-MRK-ABK0165065  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 10/08/01  
AUTHOR : Reicin, Alise S.  
RECIPIENT : Bolton, Anne H.\*; Quinlan, Michael D.\* cc: Schwartz, Jules I.; Truitt, Ken E.  
DESCRIPTION : E-mail reflecting a request for legal advice and opinions regarding providing appropriate responses to media for anticipated questions concerning viox and non-GI safety issues.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED  
SM\_REC\_EXPL : Mixed purpose - sent to lawyer and non-lawyer.  
BOX\_NUM : 6-A

Document 497 of 501

BATES\_RANGE : MRK-ABK0165060-MRK-ABK0165065  
ATTACHMENTS : Attached to MRK-ABK0165059-MRK-ABK0165059  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 10/08/01  
AUTHOR : Reicin, Alise S.  
RECIPIENT : Bolton, Anne H.\*; Quinlan, Michael D.\* cc: Schwartz, Jules I.; Truitt, Ken E.  
DESCRIPTION : Draft public relations document forwarded to Quinlan, Michael\* and Bolton, Anne\* for legal advice, review and opinions regarding CV issues.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED  
SM\_REC\_EXPL : Attachment to a mixed purpose communication is not privileged. Comments on attachment are those of Reicin, not an attorney.  
BOX\_NUM : 6-A

Document 498 of 501

BATES\_RANGE : MRK-ACW0001209-MRK-ACW0001209  
ATTACHMENTS : Attaching MRK-ACW0001210-MRK-ACW0001213  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 10/23/00  
AUTHOR : Basaman, Mary Elizabeth incorporating email from Lahner, Joanne\*  
RECIPIENT : Hirsch, Laurence J.; Redmond, Mary H.; Jordan, Laura J.; Reaves, Gregory E.; Kaufman, Art; Daigler, Nancy J. incorporating email from Stenn, Tracy to Lahner, Joanne; Rode, Robert J.; Reicin, Alise S.; cc: Basaman, Mary Elizabeth; Shank-Samiec, Dolores M  
DESCRIPTION : E-mail reflecting legal advice and opinions regarding Vigor news release.  
W\_HELD\_REDAC : Redacted portion(s).  
SM\_REC : DENIED  
SM\_REC\_EXPL : First message sent to lawyer and non-lawyers. Legal advice not the primary purpose. Second message not to or from attorneys.  
BOX\_NUM : 6-A

Document 499 of 501

BATES\_RANGE : MRK-ACW0001210-MRK-ACW0001213  
ATTACHMENTS : Attached to MRK-ACW0001209-MRK-ACW0001209  
PRIV\_CLAIM : Attorney-Client Privilege  
DATE : 10/23/00  
AUTHOR : Blake, Mary Elizabeth incorporating email to Lahner, Joanne\*

Special Master Recommended Ruling - PSC "600"

RECIPIENT : Hirsch, Laurence J.; Redmond, Mary H.; Jordan, Laura J.; Reaves, Gregory E.; Kaufman, Art; Daigler, Nancy J. cc: Ogden, Tracy C.; Wambold, Deb  
DESCRIPTION : Draft public relations document reflecting legal advice and opinions regarding Vigor study presentation issues.  
W\_HELD\_REDAC : Entire document.  
SM\_REC : DENIED IN PART; GRANTED IN PART  
SM\_REC\_EXPL : Attachment to a mixed purpose communication is not privileged but the attached comments of a lawyer may be redacted before production.  
BOX\_NUM : 6-A

Document 500 of 501

BATES\_RANGE : MRK-AFV0204169-MRK-AFV0204169  
ATTACHMENTS : Attaching MRK-AFV0204170-MRK-AFV0204171  
PRIV\_CLAIM : Attorney-Client Privilege and Work Product  
DATE : 02/21/02  
AUTHOR : Lewis, Suzanne M. Gregory\*  
RECIPIENT : Bain, Raymond P.; Barr, Eliav; Blois, David W.; Braunstein, Ned S.; Distlerath, Linda M; Gertz, Barry J.; Goldmann, Bonnie J; Guess, Harry A; Hostelley, Linda S; Jerman, Jo C.; Leitmeyer, John E.; cc: Lahner, Joanne\*; Loy, Tobi R.; Cabulong, Frederick X. P.; Gilchrist, Cynthia L.; Moore, Charlotte S.; Wuest, Anita

DESCRIPTION : E-mail reflecting legal advice and opinions regarding litigation issues and preparatory measures taken in anticipation of litigation.

W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
SM\_REC\_EXPL : Attorney-Client Privilege and Work Product - GRANTED  
BOX\_NUM : 6-A

Document 501 of 501

BATES\_RANGE : MRK-AFV0204170-MRK-AFV0204171  
ATTACHMENTS : Attached to MRK-AFV0204169-MRK-AFV0204169  
PRIV\_CLAIM : Attorney-Client Privilege and Work Product  
DATE : 02/21/02  
AUTHOR : Lewis, Suzanne M. Gregory\*  
RECIPIENT : Bain, R.; Barr, E.; Blois, D.; Braunstein, Ned; Distlerath, L.; Gertz, B.; Goldmann, B.; Guess, H.; Hostelley, L.; Jerman, Jo cc: Lahner, Joanne\*; Loy, Tobi\*; Cabulong, Frederick X.P.; Felicetta, Patrick plus others in the distribution

DESCRIPTION : Memorandum reflecting legal advice and opinions regarding litigation issues and preparatory measures taken in anticipation of litigation.

W\_HELD\_REDAC : Entire document.  
SM\_REC : GRANTED  
SM\_REC\_EXPL : Attorney Client Privilege and Work Product - GRANTED  
BOX\_NUM : 6-A