

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

FEDERAL TRADE COMMISSION,

Petitioner,

v.

Misc. No. 3:14-mc-00005-REP

**RECKITT BENCKISER
PHARMACEUTICALS, INC.,**

Respondent.

**ORDER IN AID OF SECOND INTERIM REPORT AND
RECOMMENDATIONS OF SPECIAL MASTER**


The Special Master has filed the Second Interim Report and Recommendations of the Special Master (“Second Interim Report”) and supporting materials, which were submitted under seal as authorized by the Court’s order entered February 8, 2016. Certain matters require clarification by the parties before all recommendations in the Second Interim Report become final for purposes of objection under Fed. R. Civ. P. 53 (f) (2). Therefore, pursuant to Rule 53 of the Federal Rules of Civil Procedure and the Order of Appointment (Doc. No. 48) previously entered in this matter, and to clarify matters specified in the Second Interim Report, it is hereby ORDERED that:

(1) Respondent shall review the documents listed on Appendices 1, 2 and 3 of the Second Interim Report for the purpose of identifying clerical errors. As used in this order, the term “clerical error” means a material variance in the Special Master’s treatment of a single communication that appears in more than one document. No later than twenty-one (21) days from the entry of this order, Respondent shall deliver to the

Special Master a list of all documents that contain such a variance. The list shall identify with particularity each communication that is treated inconsistently and identify each document in which the communication appears.

(2) Petitioner and Respondent shall review Appendix 3, which lists by identification number and general subject matter certain documents found not to be privileged by the Special Master. With the exception of documents listed on Appendix 3 that have been recommended for production in the Second Interim Report, the parties are to determine whether any of the documents listed on Appendix 3 are responsive to any paragraph of the Civil Investigative Demand. The parties shall meet and confer in an effort to reach agreement on the responsiveness of the Appendix 3 documents to the Civil Investigative Demand. No later than twenty-one (21) days from the entry of this order, counsel shall submit a joint report to the Special Master on the status of the Appendix 3 documents. To the extent the parties cannot agree whether a particular document is responsive to the Civil Investigative Demand, they shall prepare a chart listing all contested documents, in the order presented on Appendix 3, and as to each document shall present a side-by-side summary of their respective positions.

It is so ORDERED.



Craig T. Merritt
Special Master

Richmond, Virginia

Date: February 9, 2016

CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of February 2016, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to counsel of record including the following:

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