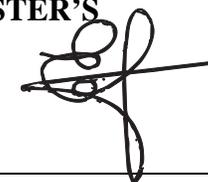


**CHART I – COURT’S RULINGS ON MERCK’S OBJECTIONS TO THE SPECIAL MASTER’S
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Special Master Final Document Number	Bates	Special Master Initial Document Number	Special Master Final Assessment	Special Master Final Basis	Court’s Ruling	Court’s Reasoning
94	MRK-ACD0115665- MRK-ACD0115665	2:95	Denied	Forwarding a document by a lawyer is not necessarily rendering legal advice or assistance.	Denied	This document was not prepared by an attorney, nor commented on by an attorney. It was simply forwarded by an attorney. This does not make it privileged.
95	MRK-ACD0115666- MRK-ACD0115675	2:96	Denied	Forwarding a document by a lawyer is not necessarily rendering legal advice or assistance.	Denied	See explanation for previous document.
102	MRK-ACI0000641- MRK-ACI0000641	2:103	Denied	Unable to ascertain the legal advice given by Lahner. Just because the lawyer’s advice was followed doesn’t make the actions privileged. Unless the advice is disclosed the privilege is not violated.	Denied	There is no indication of what advice was given. If following counsel’s advice without disclosing what that advice is makes something privileged, then everything becomes privileged, since one is presumed to follow advice of counsel. There is simply no disclosure of counsel’s advice except a vague reference that it is included.

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Special Master Final Document Number	Bates	Special Master Initial Document Number	Special Master Final Assessment	Special Master Final Basis	Court’s Ruling	Court’s Reasoning
103	MRK-ACI0000642- MRK-ACI0000643	2:104	Denied	Unable to ascertain the advice given by Lahner. Just because the lawyer's advice was followed doesn't make the actions privileged. Unless the advice is disclosed the privilege is not violated.	Denied	See explanation for previous document.
127	MRK-ACW0000449- MRK-ACW0000451	2:128	Denied	Marketing and public relations appears to be the primary purpose of this communication. While legal advice may be part of what the lawyer renders, there has been no differentiation by Merck.	Granted in part; Denied in part	The Court will allow the redaction of the attorney’s redlined advice in this instance, as requested in Merck’s objection.
139	MRK-ACW0002368- MRK-ACW0002368	2:140	Denied	While the request for legal approval could be a request for legal advice, the response by Lahner to the Q&A for professional representatives went beyond legal assistance. No differentiation by Merck of comments and inadequate explanation of how legal advice was the primary service provided.	Granted	This is a close call. The “advice” does go beyond legal advice and deals with marketing and stylistic suggestion. But it also includes legal ramifications and is sufficiently confidential to sustain the claim of privilege.

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Special Master Final Document Number	Bates	Special Master Initial Document Number	Special Master Final Assessment	Special Master Final Basis	Court’s Ruling	Court’s Reasoning
140	MRK- ACW0002369- MRK- ACW0002372	2:141	Denied	While the request for legal approval could be a request for legal advice, the response by Lahner to the Q&A for professional representatives went beyond legal assistance. No differentiation by Merck of comments and inadequate explanation of how legal advice was the primary service provided.	Granted	See explanation for previous document.
146	MRK- ACW0003564- MRK- ACW0003565	2:147	Denied	Whole e-mail thread was not listed on the privilege log. All but the last message was not primarily intended for legal advice. Last message from Lahner does not reveal confidences of either client or attorney's advice. Lahner's comments on attachment go far beyond legal advice or assistance but Merck does not differentiate between them. They have not been shown to be primarily legal. In addition, the line edits are on a discoverable document.	Denied	In addition to the reasons given by the Special Master, the edits are largely stylistic and editorial in nature, not legal.

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Special Master Final Document Number	Bates	Special Master Initial Document Number	Special Master Final Assessment	Special Master Final Basis	Court’s Ruling	Court’s Reasoning
147	MRK- ACW0003730- MRK- ACW0003730	2:148	Denied	Whole e-mail thread is not listed on the privilege log. First message and attachment are not primarily for legal assistance. Many received it and comments were sought. Last message from Lahner goes beyond legal advice for assistance. No differentiation between types of comments by attorney.	Granted in part; Denied in part	Denied as to the first e-mail, granted as to the second e-mail. The second e-mail is to an attorney seeking advice which she and her group then receive from the attorney.
148	MRK- ACW0003731- MRK- ACW0003734	2:149	Denied	Whole e-mail thread is not listed on the privilege log. First message and attachment are not primarily for legal assistance. Many received it and comments were sought. Last message from Lahner goes beyond legal advice for assistance. No differentiation between types of comments by attorney.	Granted	See explanation for previous document.

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Special Master Final Document Number	Bates	Special Master Initial Document Number	Special Master Final Assessment	Special Master Final Basis	Court’s Ruling	Court’s Reasoning
149	MRK-ACW0003741- MRK-ACW0003741	2:150	Denied	Whole e-mail thread is not listed on the privilege log. First message is mixed in purpose and, with attachment, not privileged. Message from Lahner edits a press release and briefing plan for celebrity campaign. Most comments were not legal assistance and there has been no differentiation by Merck.	Granted in part; Denied in part	Denied as to the first e-mail, granted as to the second e-mail. The second e-mail is a comment and explanation from an attorney regarding a potential legal issue or conflict.
150	MRK-ACW0003742- MRK-ACW0003743	2:151	Denied	Whole e-mail thread is not listed on the privilege log. First message is mixed in purpose and, with attachment, not privileged. Message from Lahner edits a press release and briefing plan for celebrity campaign. Most comments were not legal assistance and there has been no differentiation by Merck.	Granted	See explanation for previous document.

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Special Master Final Document Number	Bates	Special Master Initial Document Number	Special Master Final Assessment	Special Master Final Basis	Court’s Ruling	Court’s Reasoning
153	MRK-ACW0006684-MRK-ACW0006688	2:154	Denied	Whole e-mail thread has not been listed in privilege log. First message to many (including a lawyer) and attachment are mixed in purpose and not privileged. Message from Lahner does not reveal her comments in the attachment. The attachment are edits to the Q&A for the Newshour with Jim Lehrer. Little apparent legal content to edits and no differentiation by Merck. Primary purpose not shown to be legal.	Denied	This is not legal advice. It is editorial in nature. No reason or explanation is given, it is just redlined for precision or clearer message.

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Special Master Final Document Number	Bates	Special Master Initial Document Number	Special Master Final Assessment	Special Master Final Basis	Court’s Ruling	Court’s Reasoning
154	MRK- ACW0006773- MRK- ACW0006773	2:155	Denied	While e-mail thread is not listed on the privilege log. First message with attachment not privileged because of mixed purpose. Last message from Lahner edits background materials and proposed responses to question from Jim Lehrer on Newshour. These were not primarily legal in nature and there has been no differentiation by Merck.	Denied	For the reasons given by the Special Master.
155	MRK- ACW0006774- MRK- ACW0006782	2:156	Denied	While e-mail thread is not listed on the privilege log. First message with attachment not privileged because of mixed purpose. Last message from Lahner edits background materials and proposed responses to question from Jim Lehrer on Newshour. These were not primarily legal in nature and there has been no differentiation by Merck.	Denied	For the reasons given by the Special Master

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Special Master Final Document Number	Bates	Special Master Initial Document Number	Special Master Final Assessment	Special Master Final Basis	Court’s Ruling	Court’s Reasoning
156	MRK-ACW0006785-MRK-ACW0006786	2:157	Denied	While e-mail thread is not listed on the privilege log. First message and attachment are not privileged because of their mixed purpose. Second and latter messages are editing background package and Q&A for Jim Lehrer's show. Comments by lawyer were not primarily of a legal nature. No differentiation by Merck.	Denied	For the reasons given by the Special Master.

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Special Master Final Document Number	Bates	Special Master Initial Document Number	Special Master Final Assessment	Special Master Final Basis	Court’s Ruling	Court’s Reasoning
157	MRK- ACW0006787- MRK- ACW0006795	2:158	Denied	While e-mail thread is not listed on the privilege log. First message and attachment are not privileged because of their mixed purpose. Second and latter messages are editing background package and Q&A for Jim Lehrer's show. Comments by lawyer were not primarily of a legal nature. No differentiation by Merck.	Denied	For the reasons given by the Special Master.
162	MRK- ADB0001026- MRK- ADB0001026	2:163	Denied in part; Granted in part	Not primarily for legal advice or assistance. Broad circulation of letter objecting to pre-printed Rx pads. Handwritten note of Mr. Lehrer should be redacted.	Denied in part; Granted in part	For the reasons given by the Special Master.
163	MRK- ADB0001027- MRK- ADB0001027	2:164	Denied in part; Granted in part	Not primarily for legal advice or assistance. Broad circulation of letter objecting to pre-printed Rx pads. Handwritten note of Mr. Lehrer should be redacted.	Denied in part; Granted in part	For the reasons given by the Special Master.

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Special Master Final Document Number	Bates	Special Master Initial Document Number	Special Master Final Assessment	Special Master Final Basis	Court’s Ruling	Court’s Reasoning
164	MRK- ADB0001028- MRK- ADB0001028	2:165	Denied in part; Granted in part	Not primarily for legal advice or assistance. Broad circulation of letter objecting to pre-printed Rx pads. Handwritten note of Mr. Lehrer should be redacted.	Denied in part; Granted in part	For the reasons given by the Special Master.
308	MRK- AAD0241333- MRK- AAD0241333	3:70	Denied	The requested release of information sought is less a legal problem and more of a policy issue.	Granted	Communication seeks and obtains legal advice.
320	MRK- AAZ0004538- MRK- AAZ0004539	3:106	Denied	Proposals were rejected and another design was proposed. It is outlined and lawyer is asked if he has any thoughts. Unclear whether legal advice was being sought as opposed to technical and scientific ideas.	Granted	Communication seeks legal advice.
321	MRK- AAZ0004540- MRK- AAZ0004545	3:107	Denied	Proposals were rejected and another design was proposed. It is outlined and lawyer is asked if he has any thoughts. Unclear whether legal advice was being sought as opposed to technical and scientific ideas.	Denied	Proposal by non-lawyer and not commented on or changed by attorney.

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Special Master Final Document Number	Bates	Special Master Initial Document Number	Special Master Final Assessment	Special Master Final Basis	Court’s Ruling	Court’s Reasoning
355	MRK- ACO0068966- MRK- ACO0069006	3:147	Denied	This is a Power Point presentation on patent law. It teaches without giving advice. It reveals no confidences of the client, and therefore is not within the derivate protection for responsive communications from a lawyer back to the client.	Denied	For the reasons given by the Special Master.
390	MRK- AEH0013066- MRK- AEH0013067	3:186	Denied in part; Granted in part.	First e-mail appears to be seeking comments not only from the lawyer to whom it was addressed but also the many who were copied. Not shown to be primarily for legal advice - Denied. Last message (Olson comment - Granted.	Granted	Communication seeks legal advice.
401	MRK- AFK0187883- MRK- AFK0187884	3:197	Denied	Edits must be shown to be primarily related to the rendering of legal advice. Letter sought was a “signed copy” - apparently already sent.	Denied	Editorial, rather than legal, advice sought.

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Special Master Final Document Number	Bates	Special Master Initial Document Number	Special Master Final Assessment	Special Master Final Basis	Court’s Ruling	Court’s Reasoning
402	MRK- AFK0187885- MRK- AFK0187887	3:198	Denied	Edits must be shown to be primarily related to the rendering of legal advice. Letter sought was a “signed copy” - apparently already sent.	Denied	See explanation for previous document.
435	MRK- AHV0000766- MRK- AHV0000766	3:268	Denied	Minutes of a meeting and edits by lawyer not shown to be primarily legal advice. Also meeting and minutes did not completely address legal issues and nothing short of whole document was excised.	Denied	For the reasons given by the Special Master.
436	MRK- AHV0000767- MRK- AHV0000773	3:269	Denied	Attachment with edits not shown to convey legal advice re: minutes.	Denied	For the reasons given by the Special Master.
437	MRK- AHV0000774- MRK- AHV0000775	3:270	Denied	Minutes of a meeting and edits by lawyer not shown to be primarily legal advice. Also meeting and minutes did not completely address legal issues and nothing short of whole document was excised.	Denied	These are edits to the minutes of a meeting, not legal advice from counsel.

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Special Master Final Document Number	Bates	Special Master Initial Document Number	Special Master Final Assessment	Special Master Final Basis	Court’s Ruling	Court’s Reasoning
438	MRK-AHV0000776-MRK-AHV0000784	3:271	Denied	Attachment with edits not shown to convey legal advice re: minutes.	Denied	See explanation for previous document.
494	MRK-ADN0039361-MRK-ADN0039361	7:41	Denied	Time of a meeting and participants in the meeting are not privileged information about the attorney-client relationship.	Granted	This is a close one. The content of the meeting is primarily legal, so I’ll allow the fact of the meeting to also be, since it may reveal some legal strategy.
518	MRK-AGV0000038-MRK-AGV0000038	7:65	Granted in part; Denied in part	AGV0000038 - Documentation sent to many for comment. Not primarily legal in purpose.	Denied	This document was sent to several people, and is not primarily legal in purpose.
580	MRK-AAD0225908-MRK-AAD0225908	3:58	Granted in part; Denied in part	First e-mail seeks legal advice from Lahner - Granted. Lahner message does not reveal substance of advice from Lahner - Denied.	Granted in part; Denied in part	For the reasons given by the Special Master.

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Special Master Final Document Number	Bates	Special Master Initial Document Number	Special Master Final Assessment	Special Master Final Basis	Court’s Ruling	Court’s Reasoning
646	MRK- AFV0306070- MRK- AFV0306070	3:234	Denied	Non-lawyer forwards to another non-lawyer a letter that legal counsel got from the FDA. Not legal advice, not shown to be related to legal advice, and no confidences of the client are disclosed.	Denied	No legal advice, simply a transmittal from one non-lawyer to another non-lawyer of a letter from third-party, a copy of which was sent to the U.S. District Court’s clerk’s office. Thus, the letter is presumably a public document.
647	MRK- AFV0306071- MRK- AFV0306073	3:235	Denied	Non-lawyer forwards to another non-lawyer a letter that legal counsel got from the FDA. Not legal advice, not shown to be related to legal advice, and no confidences of the client are disclosed.	Denied	See explanation for previous document.
774	MRK- ABS0398017- MRK- ABS0398017	4:88	Denied	Legal assistant is seeking approval of payment from a non-lawyer. In context, topic is not legal advice or assistance.	Denied	For the reasons given by the Special Master.

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Special Master Final Document Number	Bates	Special Master Initial Document Number	Special Master Final Assessment	Special Master Final Basis	Court’s Ruling	Court’s Reasoning
775	MRK-ABS0398018-MRK-ABS0398051	4:89	Denied	Approving payment of medical cost of patient in study is not primarily legal. Memo and attachments are not privileged.	Denied	For the reasons given by the Special Master.
784	MRK-ABT0087375-MRK-ABT0087375	4:98	Denied	None of the messages reveal the intent of confidential communication requesting and giving legal advice.	Granted	Communications to an attorney seeking advice and from a lawyer giving advice.
895	MRK-AAD0172199-MRK-AAD0172200	4:209	Denied	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.	Denied	For the reasons given by the Special Master.

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Special Master Final Document Number	Bates	Special Master Initial Document Number	Special Master Final Assessment	Special Master Final Basis	Court’s Ruling	Court’s Reasoning
968	MRK-ADI0006615-MRK-ADI0006615	4:282	Denied	A recitation of what happened at a meeting between Merck's counsel and the Justice Department is not relaying confidential information protected by the attorney-client privilege. No advice was disclosed.	Granted	This may reveal legal strategy and also provides legal info to the client.
977	MRK-ADJ0034448-MRK-ADJ0034448	4:291	Denied in part; Granted in part	The document generally does not reveal confidential information about communications to or from the attorney or litigation efforts. What lawyer will attend which video shoots and training sessions on which particular days is not the type of information protected by either the privilege or immunity - Denied. Last two paragraphs reveal communication email from and advice of Sue Lewis - Granted.	Denied in part; Granted in part	For the reasons given by the Special Master.

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Special Master Final Document Number	Bates	Special Master Initial Document Number	Special Master Final Assessment	Special Master Final Basis	Court’s Ruling	Court’s Reasoning
994	MRK-ADW0024222- MRK-ADW0024222	4:308	Denied in part; Granted in part	Work product - Denied because while litigation is pending, this is not in preparation for that litigation; Attorney-client - Granted in Part; Denied in part. Message reveals only who got the advice of Lahner - Denied. Attachment with Lahner's advice - Granted.	Denied in part; Granted in part	For the reasons given by the Special Master.
1032	MRK-AAC0147221- MRK-AAC0147222	5:15	Denied	Giving comments on minutes is not legal advice.	Denied	For the reasons given by the Special Master.
1033	MRK-AAC0147223- MRK-AAC0147235	5:16	Denied	Attachment to a non-privileged communication is not privileged.	Denied	For the reasons given by the Special Master.

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Special Master Final Document Number	Bates	Special Master Initial Document Number	Special Master Final Assessment	Special Master Final Basis	Court’s Ruling	Court’s Reasoning
1070	MRK- ABX0049170- MRK- ABX0049172	5:85	Denied	Whole e-mail thread is not listed on the privilege log. Contents of the six e-mail messages do not disclose confidential communications from either attorney or client. First, second, fourth messages are mixed in purpose - sent to both lawyers and non-lawyers.	Denied	Contents either do not disclose confidential communications or are at best predominately non-legal in substance.
1203	MRK- AIR0014342- MRK- AIR0014342	5:384	Denied	Complaint to Lahner about her tardiness. Substance of communication on which advice was sought is not disclosed. Substance of legal advice is not disclosed.	Denied	For the reasons given by the Special Master.

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Special Master Final Document Number	Bates	Special Master Initial Document Number	Special Master Final Assessment	Special Master Final Basis	Court’s Ruling	Court’s Reasoning
1235	MRK- AAZ0001912- MRK- AAZ0001913	5:54	Denied in part; Granted in part	Whole e-mail thread is not listed on the privilege log. First message not primarily legal. Sent to many for comment - Denied. First sentence following "Hello" - Granted. Next to last sentence beginning with "Joanne send..." - Granted. Second and third messages pass on legal advice - Granted. Fourth message to Lewis - Granted. Fifth message seeks information from Lewis - Granted. Last message relays advice - Granted.	Denied in part; Granted in part	For the reasons given by the Special Master.
1292	MRK- ACX0013247- MRK- ACX0013248	5:176	Granted in part; Denied in part	First message sent to many for comment. Not primarily legal in purpose - Denied. Lahner response - Granted.	Granted in part; Denied in part	For the reasons given by the Special Master.

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Special Master Final Document Number	Bates	Special Master Initial Document Number	Special Master Final Assessment	Special Master Final Basis	Court’s Ruling	Court’s Reasoning
1307	MRK- ADB0102387- MRK- ADB0102387	5:191	Denied	Comments of Gregory on attachment must be shown to be primarily legal advice or assistance. Extensive deletions not shown to be legally driven. Gregory’s comments appear to go beyond legal advice and extensive deletions were not addressed in Merck’s response.	Denied	This is editorial advice, not legal advice.
1321	MRK- ADI0012773- MRK- ADI0012773	5:216	Denied in part; Granted in part	Denied - Message is not sent primarily for legal advice. Lahner only copied. Granted - Contents, however, reveal prior advice from Lahner. Second paragraph is privileged from "Essentially" to "the 'apple.'" Comments of a non-lawyer based on legal advice is not privileged. The advice must explicitly be revealed before the privilege applies.	Denied in part; Granted in part	Merck may redact the one additional sentence identified in its objection. It does recite the legal advice.

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Special Master Final Document Number	Bates	Special Master Initial Document Number	Special Master Final Assessment	Special Master Final Basis	Court’s Ruling	Court’s Reasoning
1328	MRK-ADI0019494-MRK-ADI0019495	5:223	Denied	First message not primarily for legal advice. Sent to many, copied to attorney. Reminder of e-mail messages don't reveal the advice given. Comments on attachment doesn't distinguish Lahner's advice from the comments of others.	Denied	For the reasons given by the Special Master.
1330	MRK-ADI0023137-MRK-ADI0023138	5:225	Granted in part; Denied in part	First message seeks legal advice from Lahner - Granted. Second message from Lahner does not appear to be primarily giving legal advice. She seems more concerned about clarity and advisability for policy reasons rather than legal implications - Denied except for reason "4" - Granted. Third message passed on Lahner's non-legal concerns - Denied.	Granted in part; Denied in part	For the reasons given by the Special Master.

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1378	MRK- AFK0063011- MRK- AFK0063012	5:293	Denied	Whole e-mail thread is not listed on the privilege log. First two messages are not primarily seeking or giving legal assistance. Sent to many for comment. Last two messages have not been shown to be primarily concerned with legal advice or assistance. Attorney expressing a policy preference rather than legal advice.	Denied	This is an expression of policy or preference, not a legal opinion, nor legal advice.

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1420	<p>MRK- AAC0065640- MRK- AAC0065640</p> <p>Duplicate and Near-Duplicate Documents As To Which Merck Seeks Identical Redaction:</p> <p>Appendix A Final # 1436 (1:17) Appendix A Final # 1505 (1:86) Appendix A Final # 484 (7:31) Appendix B Final # 434 (6:77) Appendix B Final # 454 (6:221) Appendix B Final # 469 (6:285) Appendix B Final # 414 (6:27)</p>	1:1	Denied	How Lahner was to develop language doesn't reveal legal advice.	Granted	Merck may redact the identified information. It is a restatement of privileged advice.

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1542	MRK-AFI0012417- MRK-AFI0012419	1:123	Denied	Handwritten comments of Lahner appear to be more editorial than legal in nature.	Denied	Comments are more editorial than legal.
1584	MRK-AIQ0005593- MRK-AIQ0005596	1:165	Denied	Lahner's concern in redacted portion of her message was with repetition, not FDA concerns. Similar concerns of Lahner revealed in second redaction.	Denied	Attorney’s concern is not with disclosure, but repetition. Has nothing to do with confidential info.
1603	MRK-AAD0356669- MRK-AAD0356670	1:184	Denied	Whole e-mail thread is not listed on the privilege log. First message and attachment are not primarily for legal advice - sent to a number of people for comment, including a lawyer. Nothing in remaining messages reveals content of confidential communications of client to attorney.	Denied	For the reasons given by the Special Master.

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Special Master Final Document Number	Bates	Special Master Initial Document Number	Special Master Final Assessment	Special Master Final Basis	Court’s Ruling	Court’s Reasoning
1605	MRK-AAR0020332-MRK-AAR0020402	1:186	Denied	This is an admittedly legal presentation given to an unknown group of people. Confidentiality cannot be determined. Third parties could have been present at the presentation. Clarification is needed. Internal training is often conducted by outside guests.	Granted	This is legal advice given to the client.

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1621	MRK-ABX0093311- MRK-ABX0093313	1:202	Granted in part; Denied in part	Whole e-mail thread is not listed on the privilege log. First two messages from Stoner and Reicin are not addressed to lawyers. Therefore, they are not for legal assistance - Denied. Third message is not primarily for legal advice because it was sent to one lawyer and two non-lawyers - Denied. Question asked of Sue Gregory was seeking legal advice - Granted. Remaining three messages, two to and from Gregory, are not addressing legal matters and the last is not addressed to lawyers and does not reveal prior advice obtained from lawyers - Denied.	Granted in part; Denied in part	For the reasons given by the Special Master.

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RECOMMENDATIONS CONTAINED IN HIS APPENDIX I – PART A**

Special Master Final Document Number	Bates	Special Master Initial Document Number	Special Master Final Assessment	Special Master Final Basis	Court’s Ruling	Court’s Reasoning
1692	MRK-ADW0001921- MRK-ADW0001923	1:273	Denied	Handwritten notes should have been explained by their author. Was Lahner reporting? Was author relaying what she reported? Was a non-lawyer relaying info attributed to a lawyer?	Granted	The notes are meaningless without testimony. The problem is that they cannot be fleshed out by testimony because the drafter of the notes would be relating what the attorney said. This is either hearsay or privileged.
1748	MRK-AAC0070471- MRK-AAC0070472	3:25	Granted in part; Denied in part	First redaction is not privileged. It is more concerned about the wisdom of doing the study rather than legal advice about the study idea - Denied. Second redaction - Granted.	Granted in part; Denied in part	For the reasons given by the Special Master.

**CHART I – COURT’S RULINGS ON MERCK’S OBJECTIONS TO THE SPECIAL MASTER’S
RECOMMENDATIONS CONTAINED IN HIS APPENDIX I – PART A**

Special Master Final Document Number	Bates	Special Master Initial Document Number	Special Master Final Assessment	Special Master Final Basis	Court’s Ruling	Court’s Reasoning
1763	MRK-ABK0197824-MRK-ABK0197826 Duplicate Document As To Which Merck Seeks Identical Redaction: Appendix A Final # 1748 (3:25)	2:319	Granted in part; Denied in part	Whole e-mail thread is not listed on the privilege log. First e-mail with attachment is not privileged because not sent to lawyer. Assuming it was produced from the files of the author and recipients, it can be part of a confidential communication to the attorney for legal advice - Granted. Second message - Granted. Third message from Bolton - Denied - because it raised policy concerns rather than legal issues. Fourth message and attachment from Kong - Denied - because it appears to be response to Bolton’s policy concerns - not seeking legal advice.	Granted in part; Denied in part	For the reasons given by the Special Master.