

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

<b>UNITED STATES OF AMERICA</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
v.	)	<b>Civil Action</b>
	)	<b>No. 99-2496 (GK)</b>
<b>PHILIP MORRIS INCORPORATED,</b>	)	
<b>et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

ORDER

Upon consideration of the representations of counsel, the applicable case law, and the entire record herein, for the reasons stated in the accompanying Memorandum Opinion, it is this 22nd day of December 2000 hereby **ORDERED** that:

1. Hon. Richard A. Levie (Ret.) (the "Master") shall be appointed pursuant to Rule 53 of the Federal Rules of Civil Procedure as special master in this action for the purpose of considering matters referred to him as described in Paragraph 2 below. The Master shall have the rights, powers and duties provided in Rule 53 and may adopt such procedures as are not inconsistent with that Rule or with this or other Orders of the Court.
2. The following matters are referred to the Master:
  - a. To develop, with the assistance (and preferably the consent) of the parties, a comprehensive detailed case management plan consistent with Order #37, filed November 21, 2000, to be submitted to the Court for

final approval no later than February 20, 2000.

- b. To develop, with the assistance (and preferably the consent) of the parties, a procedure for resolving discovery disputes, including the narrowing and refining of issues, so that all such discovery disputes may be initially decided by the Master and controlling issues of law may be decided by the Court as early and expeditiously as possible. The procedure should be submitted to the court for final approval no later than February 20, 2001.<sup>1</sup>
- c. To develop, with the assistance (and preferably the consent) of the parties, a procedure for resolving privilege disputes, including the narrowing and refining of issues, so that all such disputes may be initially decided by the Master and controlling issues of law may be decided by the Court as early and expeditiously as possible. This procedure should be submitted to the court for final approval no later than February 20, 2001.<sup>2</sup>
- d. Any other such matters that all parties agree to present to the Master for his consideration and for a report to the Court.

3. With respect to the responsibilities described in Paragraph 2 above, the Master shall submit reports and recommendations to the Court pursuant to Rule 53 (e), including findings of fact and conclusions of law, where appropriate.

4. Compensation at rates mutually agreeable to the Master and the parties shall be paid to the Master on a periodic basis by the parties, together with reimbursement for reasonable expenses

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<sup>1</sup> The Court anticipates that in certain instances the parties and/or the Master may identify such controlling issues of law and bring them directly to the Court for resolution without any initial Report and recommendation.

<sup>2</sup> The Court anticipates that in certain instances the parties and/or the Master may identify such controlling issues of law and bring them directly to the Court for resolution without any initial Report and recommendation.

incurred. The Government will be responsible for paying one-half of the Master's fees and expenses; Defendants shall be jointly responsible for paying the other half of the Master's fees and expenses. Final allocation of these amounts shall be subject to taxation as costs at the conclusion of the case at the discretion of the Court.

  
Gladys Kessler  
U.S. District Judge

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