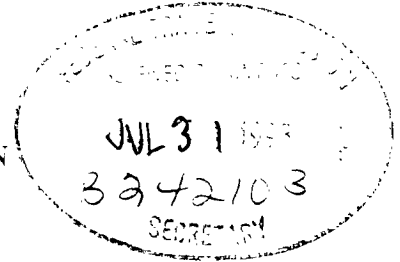


UNITED STATES OF AMERICA  
BEFORE FEDERAL TRADE COMMISSION



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In the Matter of )  
R.J. REYNOLDS TOBACCO COMPANY, )  
a corporation. )  
\_\_\_\_\_

DOCKET NO. 9285

ORDER

On July 30, 1998, I met with complaint counsel and counsel for Reynolds to address a number of pending issues. This Order reflects the rulings I made during that meeting.

Accordingly, it is hereby ORDERED:

1. Reynolds' request for additional time to identify witnesses and exhibits is GRANTED as follows. Complaint counsel and Reynolds will file their final witness and exhibit lists on September 11, 1998 or within three days after completion of the last deposition of complaint counsel's expert witnesses, whichever is later. In addition, Reynolds shall have the right to file a supplemental witness and exhibit list no later than two weeks after the conclusion of the depositions of Drs. Cohen, Parcel and Eriksen. Complaint counsel may depose any fact witnesses and expert witnesses that Reynolds identifies on its supplemental witness list, and the parties will agree to appropriate scheduling notwithstanding the October 2, 1998 discovery cutoff previously set in the December 10, 1997 Discovery Schedule.

2. Complaint counsel's request that Reynolds be required to identify those documents currently covered by the July 18, 1997 Protective Order that have been made public

as a result of settlements in other proceedings in which Reynolds was a party, so that those documents may henceforth be treated as public in this proceeding, is DENIED. During the hearing scheduled to begin on November 2, 1998, however, all documents offered into evidence will be treated in accordance with Rule 3.45 of the Commission's Rules of Practice.

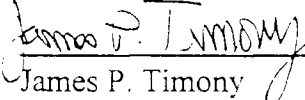
3. Reynolds' request that expert witnesses present their direct testimony in written form is GRANTED as follows. Each expert witness shall, however, be allowed to provide a brief oral summary of his or her written testimony. The written testimony of each expert witness will be provided to opposing counsel three (3) business days before that witness is scheduled to testify.

4. Complaint counsel's request that Reynolds make one of its expert witnesses, who currently resides in Australia, available for deposition in the continental United States at government expense is DENIED. Complaint counsel shall conduct their initial deposition of Dr. Mizerski via video-conference, the facilities for which shall be provided by Reynolds in Washington, D.C. Complaint counsel shall be entitled to depose Dr. Mizerski in person in Washington, D.C., however, no less than three (3) business days before Dr. Mizerski is scheduled to testify at trial.

5. Complaint counsel's motion to compel the continuation of the deposition of David Iauco is GRANTED in part and DENIED in part. Complaint counsel may depose Mr. Iauco for 4 more hours, exclusive of breaks.

6. During our meeting, complaint counsel provided to me for *in camera* review two documents it had withheld from Reynolds during the deposition of Dr. Joel Cohen on grounds of

work product privilege. After reviewing those documents, I directed that they be provided to Reynolds.

  
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James P. Timony  
Administrative Law Judge

Dated: July 31, 1998