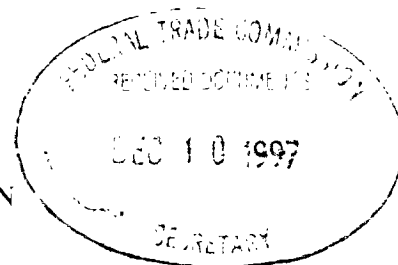


UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION



_____)
In the Matter of _____)
_____)
R.J. REYNOLDS TOBACCO COMPANY, _____) Docket No. 9285
a corporation. _____)
_____)

DISCOVERY SCHEDULE
PURSUANT TO RULE 3.21(c)

Pursuant to the pretrial conference which was held on October 31, 1997, and the joint stipulation and memorandum of the parties.

IT IS ORDERED that the following discovery schedule be, and it hereby is, adopted.

1. 1 09 98 Fourth status conference will be held at 10:00 a.m. in Room 532 of the Federal Trade Commission Headquarters Building.
2. 5 01 98 Complaint Counsel provides preliminary exhibit lists, and preliminary list of witnesses.
3. 5 21 98 Reynolds provides preliminary exhibit lists, and preliminary list of witnesses.
4. 9 04 98 Parties exchange final witness lists (including *curriculum vitae* with publications list for each expert witness; a brief summary of the testimony of each fact and expert witness, and copies of all exhibits not previously provided, except demonstrative or illustrative exhibits).
5. 9 11 98 Parties exchange final exhibit lists and copies of all exhibits not previously provided, except demonstrative or illustrative exhibits.
6. 10 02 98 Termination of discovery. Deadline for dispositive motions, Stipulations, written objections, and motions *in limine* due.
7. 10 16 98 Hearing briefs due.
8. 11 02 98 Trial begins.

Additionally, the following provisions apply:

1. Within ten (10) days of receipt of a request, the party producing an expert witness will provide copies of the expert's publications and prior testimony requested by the opposing party, as well as documents and other materials on which the witness will base his or her expert opinions; provided, however, that books and articles available at a public library need not be produced. With regard to books and articles available at a public library, it shall be sufficient to provide the title and author, publication date, relevant page numbers and the name of the library at which the book or article is available.

2. The parties will enter into stipulations as to facts, authenticity, foundation, and/or admissibility of documents, and other matters not in dispute. If either party objects to the authenticity or admissibility of any documents, such objection shall be made in writing within fifteen (15) days after the document is first identified on an exhibit list that is served upon the objecting party. Reynolds will not challenge the authenticity of documents obtained by Complaint Counsel from plaintiffs' attorneys in Mangini unless it has a good faith question about a particular document's authenticity.

3. The parties will schedule depositions at the convenience of the witnesses, including the location of the deposition. In accommodating the convenience of the witnesses, the parties will endeavor to take into account the convenience of the parties' counsel, to the degree practicable. The parties will coordinate discovery so that each witness need be deposed on only one occasion, except as further provided below. Any party serving a third-party subpoena seeking the production of documents will serve a notice of the subpoena and its specifications on the opposing party when the subpoena is served on the third party.

4. Final lists of witnesses and exhibits can be modified for good cause, including to add an expert or experts intended to contradict or rebut expert testimony regarding a subject matter not previously identified by an opposing party. An opposing party shall have the opportunity for further discovery as necessitated by any such modifications.

5. To facilitate completion of discovery within the dates of the proposed schedule, each party will promptly notify the opposing party of changes in preliminary witness lists.

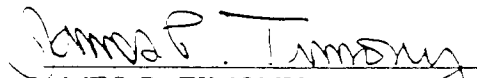
6. At the time a party initially identifies each of its expert witnesses, it will state the subject matter on which the expert is expected to testify, the substance of the facts and opinions to which the expert is expected to testify, and will provide a summary of the grounds for each opinion. An expert witness will not be allowed to render an opinion at trial unless the opposing party has been afforded the opportunity to depose the expert with respect to such opinion and the basis therefore. If any expert performs additional work that serves as a basis for his opinion (other than reading or listening to the testimony of other witnesses) after the expert's deposition, but prior to the expert's trial testimony, the opposing party will be afforded a reasonable opportunity to depose the expert with respect to such additional work.

7. The parties can take discovery at any time up to the closing of discovery

8. Responses to all discovery requests, demands, subpoenas, orders, or stipulations shall be supplemented as provided in Federal Rule of Civil Procedure 26(e).

IT IS FURTHER ORDERED, pursuant to § 3.21(c) of the Rules of Practice, that the procedure for marking of exhibits is as follows: a one page exhibit is designated, e.g., CX-1 (for complaint counsel's exhibit, RX for respondent's exhibit). If there is relevant matter on the back of the page, the exhibit is marked CX-1-A for one side and CX-1-B for the other side. Capital letters must be used in marking. In the event the document has many pages which are not bound together, each page and each back side of each page containing relevant matter must be numbered CX-1-A through CX-1-Z-1. The items are then numbered CX-1-Z-2, Z-3, Z-4, Z-5, to Z-50000, if necessary.

Dated: December 10, 1997



JAMES P. TIMONY
Administrative Law Judge