

SCHELLENBERG & HAISLY
AVOCATS

September 16, 1997

Judge Kenneth J. Fitzpatrick
Ramsey County District Court
1350 Ramsey County Courthouse
15 West Kellogg Boulevard
St. Minnesota 55102
U.S.A.

Dear Judge Fitzpatrick:

**Re: State of Minnesota and Blue Cross and Blue Shield of Minnesota v. Philip Morris Incorporated, et al.,
Court File No. C1-94-8565**

On June 17, 1997, I was appointed as Commissioner in the above-referenced action pursuant to the Court's Order of Commission to Gather Evidence in Switzerland. On July 25, 1997, this appointment was ratified, and authorization was granted for me to act as Commissioner, by the Federal Department of Justice and Police in Bern, pursuant to Article 17 of the Hague Convention of March 18, 1970 and legislation implementing that Convention in Switzerland. The evidence to be obtained consists of certain documents which may be maintained by Philip Morris Europe S.A., Philip Morris S.A., Philip Morris Corporate Services Inc. and Orecia S.A. in Lausanne, and Orienta S.A., Fabriques de Tabac Réunies S.A. and FTR Holding S.A. in Neuchâtel, as well as the answers to certain interrogatories. The requested information is specified in the two Requests for International Judicial Assistance issued by the Court on June 17, 1997 and the accompanying schedules.

I have been informed that in order to identify the documents responsive to the requests, documents maintained both in active files and storage at various locations in Switzerland were required to be reviewed. The document review and collection was conducted by several U.S. outside law firms for Philip Morris Incorporated in consultation with me, including approximately 9 lawyers and 22 paralegals from Shook, Hardy & Bacon, Winston & Strawn, Hunton & Williams, Dorsey & Whitney, Deckert, Price & Rhoads and Munger, Tolles & Olson. I and my representatives had several meetings with the lawyers and other legal professionals supervising the review, and have been kept apprised of its status. I have been informed that the document collection teams have now visited all sites where documents were to be collected. Senior management in the areas of marketing, corporate

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