

**Feuchtenberger, Karen**

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**From:** Frazier, Kenneth C. <ken\_frazier@merck.com>  
**Sent:** Thursday, November 17, 2011 1:57 PM  
**To:** Tomalis, Ronald  
**Subject:** Re: Investigation Counsel.

Ok. I will set up a call with Ammerman.  
 Sent from Blackberry

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**From:** Tomalis, Ronald <rtomalis@pa.gov>  
**To:** Frazier, Kenneth C.  
**Sent:** Thu Nov 17 13:55:32 2011  
**Subject:** Re: Investigation Counsel.

Yes. Let's go with him. Still have the concern with the pepper hamilton connection (among other things some members of firm are politically active in PA), but that can be addressed.

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**From:** Frazier, Kenneth C. [mailto:ken\_frazier@merck.com]  
**Sent:** Thursday, November 17, 2011 01:47 PM  
**To:** Tomalis, Ronald  
**Subject:** Re: Investigation Counsel.

I will contact Paula about setting up a call with the special committee. I will work with my communications people on an outside firm. Are we sanguine with Freeh as our first choice?  
 Sent from Blackberry

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**From:** Tomalis, Ronald <rtomalis@pa.gov>  
**To:** Frazier, Kenneth C.  
**Sent:** Thu Nov 17 13:35:22 2011  
**Subject:** Re: Investigation Counsel.

Talked with the Gov. He is ok with either candidate and only advised to go with the one who can dedicate more time.

Also mentioned that Rudy Guilliani called to offer his services. Just an fyi

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**From:** Frazier, Kenneth C. [mailto:ken\_frazier@merck.com]  
**Sent:** Thursday, November 17, 2011 11:48 AM  
**To:** Frazier, Kenneth C. <ken\_frazier@merck.com>; 'Steve A. Garban' <sag7@psu.edu>; Tomalis, Ronald; 'John P Surma' <JPSurma@uss.com>  
**Cc:** 'Baldwin, Cynthia' <cab71@psu.edu>  
**Subject:** RE: Investigation Counsel.

Also forgive the atrocious grammar lapses!

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**From:** Frazier, Kenneth C.  
**Sent:** Thursday, November 17, 2011 11:48 AM  
**To:** 'Steve A. Garban'; rtomalis@state.pa.us; 'John P Surma'  
**Cc:** 'Baldwin, Cynthia'  
**Subject:** Investigation Counsel.

Please forgive the informality of this quick status update: Ron and I spent that last four hours interviewing Louis Freeh and Michael Chertoff for the role of lead counsel. While we haven't gotten back to the rest of the Special Committee, our inclination is to go with Freeh. The biggest complication is that he will have to supplement his firm with an outside firm. My main purpose in reaching out by e-mail is to let you know that both counsel strongly suggested that we get this announcement about the SC and its chosen independent counsel out before everyone ( including our students ) go home for Thanksgiving. This means a press conference Monday in State College. We will also have to retain a top-notch communications firm, and we have leads there too.

We did not cover billing rates. We thought it best to leave the negotiations about discounts, alternative fee arrangements, etc to Cynthia.

Please let me know if you agree with the proposed timing and whether you could be available.

P.S., They both thought it would be okay if we haven't finally nailed down the final committee member so long as we gave a description of the desired profile.

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