

Feuchtenberger, Karen

From: Frazier, Kenneth C. <ken_frazier@merck.com>
Sent: Thursday, November 17, 2011 8:57 PM
To: Tomalis, Ronald
Subject: Fwd: Special Committee

Sent from my iPad

Begin forwarded message:

From: Dan Hagen <drh@psu.edu>
Date: November 17, 2011 8:36:07 PM EST
To: "Ammerman, Paula" <PRA4@psu.edu>, "Frazier, Kenneth C." <ken_frazier@merck.com>
Subject: RE: Special Committee

Trustee Frazier, I trust your judgment as to the choice of counsel and the timing of the announcement. Thank you for consulting on these items.

Dan Hagen

-----Original Message-----

From: Ammerman, Paula [<mailto:PRA4@psu.edu>]
Sent: Thu 11/17/2011 4:00 PM
Subject: Special Committee

TO: Members of the Special Investigations Committee

Chair of the Special Investigations Committee Ken Frazier asked that I forward the below message to you. Your response to Ken Frazier at ken_frazier@merck.com with a copy to me pra4@psu.edu would be appreciated.

Paula

Paula R. Ammerman
 Director, Board of Trustees Office
 The Pennsylvania State University
 205 Old Main
 University Park, PA 16802
 (814) 865-2521; (814) 863-4631 (FAX)
pra4@psu.edu

From: Frazier, Kenneth C. [mailto:ken_frazier@merck.com]
Sent: Thursday, November 17, 2011 3:21 PM
To: Ammerman, Paula
Cc: Garban; John P. Surma (jpsurma@uss.com); Baldwin, Cynthia
Subject: Special Committee

Dear Colleagues,

I write to report on the progress Ron Tomalis and I made today with regard to the vetting of candidates for the independent counsel role. This morning we interviewed Louis Freeh (former Director of the FBI) and Michael

Chertoff (former Secretary of the Department of Homeland Security). In addition to the roles described in the foregoing parentheticals, both men have served as former U.S. Attorneys and federal judges. They are both highly experienced in these kinds of investigations and are eminently qualified. On balance, Ron and I recommend Judge Freeh. He strikes us as more at ease with the media side of things and it is clear that this will be his #1 priority. We also think the FBI credential lends itself to an investigation of this type.

Both counsel strongly suggested that we make the announcement of the Special Investigations Committee and the independent counsel next Monday in advance of Thanksgiving. Among other things, this will require us to choose a highly experienced crisis communications expert, set up a press conference for Monday in State College (at which we would also identify you as members of the Committee although your presence would not be required) and, if possible, select the alumni or outside representative to the Committee.

Please forgive my initial choice of e-mail for this report. However, given the time pressures, I thought this would allow us to more efficiently gain your approval and consent. Of course, if anyone wants us to set up a call for tonight or early tomorrow, we will be happy to do so.

Thank you and please advise whether you will allow us to proceed.

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