

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA, )  
                                  )  
Plaintiff,                    )  
v.                             ) CIVIL ACTION  
                                  )  
REGENERON PHARMACEUTICALS, INC., ) NO. 20-11217-FDS  
                                  )  
Defendant.                    )

**ORDER ON PARTIES' MOTIONS TO COMPEL**

This matter is before the court on “Defendant Regeneron Pharmaceuticals, Inc.’s Motion to Compel Production” (Docket No. 77) and the “United States’ Motion to Compel a Response to Interrogatory 14” (Docket No. 91). After consideration of the parties’ written submissions and their oral arguments, it is hereby ORDERED as follows:

1. Regeneron’s motion to compel is ALLOWED IN PART and DENIED IN PART as follows:
  - a. The United States shall produce **for outside counsel’s eyes only** unredacted copies of documents appearing at USRGN0002052-2185 and USRGN2199-2556.
  - b. Regeneron may use the unredacted information in connection with the deposition of Dr. Chambers. However, Regeneron shall not use the unredacted information for any other purpose without prior permission from the court.
2. The United States’ motion to compel is ALLOWED as follows:
  - a. Regeneron shall revise its response to Interrogatory No. 14 to (i) explain the basis for its claim of attorney-client privilege and (ii) identify the individual who changed the wording of the February 22, 2013 email.
  - b. Regeneron shall include on a privilege log any documents or materials in its possession or the possession of its attorneys that relate to the discrepancy between the two versions of the February 22, 2013 email and over which it asserts a claim of attorney-client privilege and/or work product protection.

- c. The United States may propound an additional Interrogatory asking Regeneron to identify any individuals, other than Mr. Terifay, who have knowledge or information regarding the circumstances surrounding Mr. Terifay's changes to the February 22, 2013 email.
- d. The United States may serve an additional Request for Admission asking Regeneron to admit that Mr. Terifay changed the February 22, 2013 email.

/s / Judith Gail Dein

Judith Gail Dein

United States Magistrate Judge

Dated: January 10, 2022