STATE OF MINNESOTA **SECOND JUDICIAL DISTRICT**

COUNTY OF RAMSEY **Case Type: Other Civil**

THE STATE OF MINNESOTA,

COURT FILE NO. C1-94-8565

BY HUBERT H. HUMPHREY, III,
ITS ATTORNEY GENERAL,

and

BLUE CROSS AND BLUE SHIELD
OF MINNESOTA,

Plaintiffs,

vs.

PHILIP MORRIS INCORPORATED,
R. J. REYNOLDS TOBACCO COMPANY,
BROWN & WILLIAMSON TOBACCO CORPORATION,
B.A.T. INDUSTRIES P.L.C.,
LORILLARD TOBACCO COMPANY,
THE AMERICAN TOBACCO COMPANY,
LIGGETT GROUP, INC.,
THE COUNCIL FOR TOBACCO RESEARCH - U.S.A., INC., and
THE TOBACCO INSTITUTE, INC.,

Defendants.

PROPOSED ORDER

The above-entitled matter came on for hearing on July 16, 1996, before the Honorable Kenneth J. Fitzpatrick based on plaintiffs' various motions to compel discovery.

Based upon review of the file and arguments of counsel, it is hereby ordered:

1. Philip Morris, R. J. Reynolds, Brown & Williamson, B.A.T. Industries, Lorillard, American, Liggett Group, The Council for Tobacco Research, and The Tobacco Institute, are

hereby ordered to produce or list on a privilege log:

> All documents on scientific research relating to smoking and health which were sent to attorneys (in-house or outside) working for or on behalf of any defendant. For purposes of this request, "scientific research" shall exclude literature searches or analyses of wholly publicly available data, except to the extent such literature or analyses of wholly publicly available data are on any index or database (whether maintained by any defendants or any of their in-house or outside attorneys). Notwithstanding the foregoing sentence, all documents relating to "special projects" or "special accounts" are included in this request. Documents relating solely to an analysis of one individual person's medical records are not encompassed in this request. In addition, documents post-dating the filing of the complaint in this action are not encompassed in this request.

2. Philip Morris, R. J. Reynolds, Brown & Williamson, Lorillard, American, Liggett Group, The Council for Tobacco Research, and The Tobacco Institute are hereby ordered to produce within 30 days all privilege logs produced in prior and pending smoking and health litigation.

3. Liggett is hereby ordered to produce within 14 days all privilege logs produced in Sackman v. Liggett Group, Inc.,No. CV 93-4166(ADS) (E.D.N.Y.).

4. R.J. Reynolds and American are hereby ordered to produce within 14 days all privilege logs produced in Burton v. R.J. Reynolds and American Tobacco, Case No. 94-2202-JWL (D. Kansas). 5. Brown & Williamson is hereby ordered to provide within 21 days a complete answer to Plaintiffs' Interrogatory No. 9, First Set, relating to each instance where documents relating to smoking and health have been

transferred to third-parties.

6. Philip Morris, R. J. Reynolds, Brown & Williamson, Lorillard, and American are hereby ordered to produce all documents requested in Plaintiffs' Request for Production of Documents, First Set, Request Nos. 91, 93-99, and 101, which relate to "young adults."

7. Philip Morris is hereby ordered to produce all documents requested in Plaintiffs' Request for Production of Documents, First Set, Request No. 5, regarding "nicotine replacement devices."

8. Tobacco Institute is hereby ordered to answer within 21 days Plaintiffs' Interrogatory No. 34, First Set for the years 1958 through 1989.

9. American is hereby ordered to answer within 21 days Plaintiffs' Interrogatory No. 18, First Set, regarding funds spent on smoking and health research.

10. American is hereby ordered to answer within 21 days Plaintiffs' Interrogatory No. 19, First Set, regarding funds spent on developing a safer cigarette.

11. American is hereby ordered to answer within 21 days Plaintiffs' Interrogatory No. 20, First Set, regarding funds spent on preventing or discouraging smoking by persons age 18 and under. 12. American is hereby ordered to answer within 21 days Plaintiffs' Interrogatory No. 21, First Set, regarding funds spent on advertising, marketing or promotion of cigarettes.

13. Liggett is hereby ordered to answer within 21 days Plaintiffs' Interrogatory No. 17, First Set, for the years 1969 through 1979.

14. Liggett is hereby ordered to answer within 21 days Plaintiffs' Interrogatory No. 21 for the years 1965 through 1983.

15. The following Defendants, as described below, are hereby ordered to served amended answers within 21 days to interrogatories regarding the Literature Retrieval Division of CTR and its successor, L.S., Inc.:

(a) R.J. Reynolds -- Plaintiffs' Interrogatory Nos. 5 and 9, First Set, and Interrogatory Nos. 1-3, Third Set.

(b) BAT Industries -- Plaintiffs' Interrogatory Nos. 1-3, Third Set.

(c) Lorillard -- Plaintiffs' Interrogatory Nos. 5 and 9, First Set, and Interrogatory Nos. 1-3, Second Set.

(d) Liggett -- Plaintiffs' Interrogatory Nos. 5 and 9, First Set, and Interrogatory Nos. 1-3, Second Set.

(e) The Tobacco Institute -- Plaintiffs' Interrogatory Nos. 5 and 9, First Set, and Interrogatory Nos. 1-3, Second Set.

Kenneth J. Fitzpatrick
Judge