STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

Case Type: Other Civil

COURT FILE NO. C1-94-8565

THE STATE OF MINNESOTA,

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.

NOTICE OF MOTION AND MOTION FOR PROTECTIVE ORDER
REGARDING MARKETING DOCUMENTS

TO: PLAINTIFFS AND DEFENDANTS ABOVE-NAMED, AND THEIR ATTORNEYS OF RECORD.

PLEASE TAKE NOTICE that on June 4, 1996 at 9:30 a.m., or as soon thereafter as counsel may be heard, before the Honorable Kenneth J. Fitzpatrick, Ramsey County Courthouse, Room 1350, 15 West Kellogg Boulevard, St. Paul, Minnesota, Defendant Philip Morris Incorporated ("Philip Morris") will and hereby does move the Court for a protective order pursuant to Sections 26.02 and 26.03 of the Minnesota Rules of Civil Procedure.

The motion will be, and is based, on the ground that Plaintiffs' Requests for Production of Documents Nos. 5, 12, 19, 37, 65, 92-14 (first set); No. 39 (second set); and No. 14 (third set) are overbroad, that they seek information that is neither relevant nor reasonably likely to lead to the discovery of admissible evidence, and that literal compliance with them would be oppressive, and would impose on Philip Morris an undue burden.

The motion is based upon this Notice of Motion and Motion, the Memorandum in Support of Motion For Protective Order Regarding Marketing Documents and Affidavits filed herewith, the documents and pleadings already on file, such additional documents and pleadings as may be filed in connection with this motion, and such additional evidence and argument as the Court may receive and consider.

Dated: April 22, 1996

DORSEY & WHITNEY

By

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Robert Schwartzbauer (#98115)
Peter W. Sipkins (#101540)
Michael A. Lindsay (#163466)
Pillsbury Center South
220 South Sixth Street
Minneapolis, MN 55402
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On Behalf of Defendant
PHILIP MORRIS INCORPORATED