STATE OF MINNESOTA DISTRICT COURT
SECOND JUDICIAL DISTRICT
COUNTY OF RAMSEY

THE STATE OF MINNESOTA,
BY HUBERT H. HUMPHREY, III
ITS ATTORNEY GENERAL,

and

BLUE CROSS AND BLUE SHIELD OF MINNESOTA,
Plaintiffs,

v.

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.

Court File No. C1-94-8565

December 5, 1994

AFFIDAVIT OF ROBERTA B. WALBURN

Roberta B. Walburn, being first duly sworn on oath, deposes and states as follows:

1. I am a partner at Robins, Kaplan, Miller & Ciresi and I am one of the attorneys representing the State of Minnesota and Blue Cross and Blue Shield of Minnesota in the cigarette litigation.

2. Exhibit 1 is a true and correct copy of the Complaint, *Federal Trade Commission v. B.A.T. Industries P.L.C. et al.*

3. Exhibit 2 is a true and correct copy of B.A.T. Industries Annual Review and Summary Financial Statement 1993.

4. Exhibit 3 is a true and correct copy of the list of Affiliations of Defendant Brown & Williamson Tobacco Corporation, *Castano v. The American Tobacco Company, et al.*

5. Exhibit 4 is a true and correct copy of B.A.T. Industries Directors' Report and Accounts 1993.

6. Exhibit 5 is a true and correct copy of the Charts, Prepared by Majority Staff, Subcommittee on Health and Environment, June 23, 1994.

7. Exhibit 6 is a true and correct copy of the News from B.A.T. Industries, 26 April 1994.

8. Exhibit 7 is a true and correct copy of the British - American Tobacco Company Limited, Report and Accounts, 30 September 1976.

9. Exhibit 8 is a true and correct copy of Research Conference, Smoking and Health - Policy on Research, Southhampton, 1962.

10. Exhibit 9 is a true and correct copy of Research Conference Held at Hilton Head Island, South Carolina, 1968.

11. Exhibit 10 is a true and correct copy of Research Conference Held at Kronberg, 1969.

12. Exhibit 11 is a true and correct copy of B.A.T. Group Research Conference, St. Adele, Quebec, 1970.

13. Exhibit 12 is a true and correct copy of B.A.T. : R & D Conference - Montreal.

14. Exhibit 13 is a true and correct copy of Group R & D Conference - Chelwood, 1972.

15. Exhibit 14 is a true and correct copy of Notes on the Group Research & Development Conference at Dock Key, Florida, 1974.

16. Exhibit 15 is a true and correct copy of Notes on Group R & D Conference Held in Merano, N. Italy, 1975.

17. Exhibit 16 is a true and correct copy of Conference on Smoking Behavior, Group Research & Development Centre, Southhampton, 1976.

18. Exhibit 17 is a true and correct copy of Notes from Group R & D Conference, 1979.

19. Exhibit 18 is a true and correct copy of Notes on the R & D Conference, 1979.

20. Exhibit 19 is a true and correct copy of Notes on the R & D Conference, London, 1979.

21. Exhibit 20 is a true and correct copy of Research Conference, Sea Island, Georgia, 1980.

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22. Exhibit 21 is a true and correct copy of Research Conference, Pichlarn, Australia, 1981.

23. Exhibit 22 is a true and correct copy of Research Conference, Rio de Janeiro, Brazil, 1983.

24. Exhibit 23 is a true and correct copy of Research Conference, United Kingdom, 1984.

25. Exhibit 24 is a true and correct copy of Group Tobacco Research and Development, Notes on a CAC R & D Meeting, Held at the Springs Hotel, Walling Ford, 1985.

26. Exhibit 25 is a true and correct copy of Preparation and Properties of Nicotine Analogues, B.A.T. Group Research and Development Centre, 1972.

27. Exhibit 26 is a true and correct copy of Further Studies on The Effect of Nicotine on Human Physiological Response, B.A.T. Group Research and Development Centre, 1973.

28. Exhibit 27 is a true and correct copy of Project Wheat: Manufacture and Analysis of cigarettes for Consumer Tests, 1974.

29. Exhibit 28 is a true and correct copy of Some "Benefits" of Smoking. B.A.T. Research and Development Centre, 1977.

30. Exhibit 29 is a true and correct copy of A Comparison of the Tumorigenic Activities of JANUS Condensates B0, B2 and B4, B.A.T. Group Research and Development Centre, 1977.

31. Exhibit 30 is a true and correct copy of Nicotine Studies: A Second Report. Estimation of Whole Body Nicotine Dose By Urinary Nicotine and Cotinine Measurement, B.A.T. Group Research and Development Centre, 1981.

32. Exhibit 31 is a true and correct copy of the British - American Tobacco, Quarterly Report, April - June, 1971, Research & Development Establishment.

33. Exhibit 32 is a true and correct copy of Hearing of The Health and Environment Subcommittee of The House Energy and Commerce Committee, June 23 1994.

34. Exhibit 33 is a true and correct copy of International Papers Fuel Tobacco Debate, Washington Post, May 14 1994.

35. Exhibit 34 is a true and correct copy of Tobacco Company Was Silent on Hazards, New York Times, May 7,1994.

36. Exhibit 35 is a true and correct copy of British - American Tobacco Company, Ltd., Biological Testing: Short - Term Hyperplasia Test, 1966.

37. Exhibit 36 is a true and correct copy of B.A.T. Group Research and Development Centre, Biological Meeting Held at GR & DC, 19 - 20 May 1983.

38. Exhibit 37 is a true and correct copy of project JANUS Quarterly Report: July - September, 1969.

39. Exhibit 38 is a true and correct copy of Project JANUS Annual Report, 7/10/69.

40. Exhibit 39 is a true and correct copy of Project JANUS Quarterly Report: January - March, 1970.

41. Exhibit 40 is a true and correct copy of Project JANUS Annual Report 1970 - 71.

42. Exhibit 41 is a true and correct copy of Project JANUS Status Report, March 1975.

43. Exhibit 42 is a true and correct copy of Cigarette Makers Debated The Risks They Denied, New York Times, June 15, 1994.

44. Exhibit 43 is a true and correct copy of The Promotion Activity of Tobacco Smoke Condensates to Mouse Skin, Report for British - American Tobacco Company, Ltd., November 1992.

45. Exhibit 44 is a true and correct copy of British - American Tobacco Co., Ltd., A Survey of Mouse Skin - Painting Experiments, 7/4/71.

46. Exhibit 45 is a true and correct copy of Carcinogenicity of Smoke Condensate to Mouse Skin, Battelle Report for British - American Tobacco Company Limited, March 1973.

47. Exhibit 46 is a true and correct copy of Brown & Williamson Tobacco Corp., JANUS AirFerm Sample Anaerobic Yeast Fermentation, September 1968.

48. Exhibit 47 is a true and correct copy of Notes on Group Research & Development Conference, Sydney, March 1978.

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49. Exhibit 48 is a true and correct copy of Tobacco Firms Sought to Call Studies as "Deadwood," Los Angeles Times, August 2, 1994.

50. Exhibit 49 is a true and correct copy of Biological Research Meeting Minutes, May 30, 1974.

51. Exhibit 50 is a true and correct copy of Project JANUS Annual Report 1969 - 70.

52. Exhibit 51 is a true and correct copy of Minutes of The Biological Research Meeting Held at Chelwood, November 27, 1977.

53. Exhibit 52 is a true and correct copy of Final Report on Project HIPPO I, January 1962.

54. Exhibit 53 is a true and correct copy of Report No. 1 Regarding Project HIPPO II, June 1962.

55. Exhibit 54 is a true and correct copy of Final Report on Project HIPPO II, March 1963.

56. Exhibit 55 is a true and correct copy of Brown & Williamson Tobacco Corp., Human Smoking Studies, Acute Effect of Cigarette Smoke on Brain Wave Alpha Rhythm - First Report, October 31, 1974.

57. Exhibit 56 is a true and correct copy of B.A.T. Group Research and Development Centre, Interaction of Smoke and The Smoker, Part 3: The Effect of Cigarette Smoking on the Contingent Negative Variation, 12/12/74.

58. Exhibit 57 is a true and correct copy of B.A.T. Group Research and Development Centre, Preparation and Properties of Nicotine Analogues, 1979.

59. Exhibit 58 is a true and correct copy of B.A.T. Group Research and Development Centre, Project WHEAT - Part 1, 10/7/75.

60. Exhibit 59 is a true and correct copy of British - American Tobacco Co. Ltd., Relation Between "Extractable Nicotine" Content of Smoke and Panel Response, 1967.

61. Exhibit 60 is a true and correct copy of Proceedings of the Smoking Behavior - Marketing Conference, Montreal, Quebec, 1984 (incomplete document).

62. Exhibit 61 is a true and correct copy of Project WHEAT, January, 1974.

63. Exhibit 62 is a true and correct copy of Project WHEAT - Part 2, U.K. Male Smokers: Their Reactions to Cigarettes of Different Nicotine Delivery As Influenced By Inner Need, 1976.

64. The exhibits have been highlighted or underlined to mark relevant portions.

FURTHER YOUR AFFIANT SAYETH NOT.

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