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.

NOTICE OF MOTIONS AND MOTIONS

TO: DEFENDANTS ABOVE NAMED AND THEIR ATTORNEYS OF RECORD:

YOU WILL PLEASE TAKE NOTICE that on July 16, 1996, at 9:30 a.m., or as soon thereafter as counsel can be heard, the undersigned, counsel for plaintiffs above-named, shall move the Court, the Honorable Kenneth Fitzpatrick presiding, in Room 1360 of the Ramsey County Courthouse, 15 West Kellogg Street, St. Paul, Minnesota, for an Order compelling discovery as set forth below. This motion will be made on all the files and proceedings herein, including the Memorandum in Support of

Plaintiffs' Second Round of Motions to Compel and the Affidavit of Tara D. Sutton with attachments served herewith.

At the time of the hearing, the plaintiffs will move the Court for an Order as follows:

1. Compelling Philip Morris, R. J. Reynolds, Brown & Williamson, B.A.T. Industries, Lorillard, American, Liggett Group, The Council for Tobacco Research, and The Tobacco Institute, 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. Compelling Philip Morris, R. J. Reynolds, Brown & Williamson, Lorillard, American, Liggett Group, The Council for Tobacco Research, and The Tobacco Institute, to produce within 30 days all privilege logs produced in prior and pending smoking and health litigation.

3. Compelling Liggett to produce all privilege logs produced in Sackman v. Liggett Group, Inc.,No. CV 93-4166(ADS)

(E.D.N.Y.), within 14 days.

4. Compelling R.J. Reynolds and American to produce all privilege logs produced in Burton v. R.J. Reynolds and American Tobacco, Case No. 94-2202-JWL (D. Kansas), within 14 days.

5. Compelling Brown & Williamson 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. Compelling Philip Morris, R. J. Reynolds, Brown & Williamson, Lorillard, and American 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. Compelling Philip Morris to produce all documents requested in Plaintiffs' Request for Production of Documents, First Set, Request No. 5, regarding "nicotine replacement devices."

8. Compelling Tobacco Institute to answer within 21 days Plaintiffs' Interrogatory No. 34, First Set, which seeks information regarding each individual, corporation, or entity in the State of Minnesota that has been retained, hired, or funded by the Tobacco Institute, for the years 1958 through 1989.

9. Compelling American to answer within 21 days

Plaintiffs' Interrogatory No. 18, First Set, regarding funds spent on smoking and health research.

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

11. Compelling American 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. Compelling American to answer within 21 days Plaintiffs' Interrogatory No. 21, First Set, regarding funds spent on advertising, marketing or promotion of cigarettes.

13. Compelling Liggett to answer within 21 days Plaintiffs' Interrogatory No. 17, First Set, which seeks information regarding advertising agencies employed by Liggett, for the years 1969 through 1979.

14. Compelling Liggett to answer within 21 days Plaintiffs' Interrogatory No. 21, regarding funds spent on advertising, marketing and promotion of cigarettes, for the years 1965 through 1983.

15. Compelling the following Defendants, as described below, to serve 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.

16. For such further relief as the Court deems just and equitable.

Dated this 31st day of May, 1996.

RESPECTFULLY SUBMITTED,

ROBINS, KAPLAN, MILLER & CIRESI

By: /s/ Gary L. Wilson

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