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

January 26, 1995

NOTICE OF MOTION AND MOTION OF ANSWERING DEFENDANTS TO DISMISS PLAINTIFF BLUE CROSS AND BLUE SHIELD OF MINNESOTA FOR LACK OF STANDING AND TO DISMISS COUNTS ONE, TWO AND THREE OF THE COMPLAINT FOR FAILURE TO STATE A CLAIM

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

PLEASE TAKE NOTICE that on March 10, 1995, at 9:30 a.m. before the Honorable Kenneth Fitzpatrick, Ramsey County Courthouse, 15 West Kellogg Boulevard, St. Paul, Minnesota defendants Philip Morris Incorporated, R.J. Reynolds Tobacco Company, Brown & Williamson Tobacco Corporation, Lorillard Tobacco Company, the American Tobacco Company, Liggett Group, Inc., Council for Tobacco Research, and Tobacco Institute ("answering defendants"), will and hereby do move the Court for an order dismissing Counts One, Two and Three of the Complaint herein for failure to state a claim upon which relief can be granted and dismissing the action of plaintiff Blue Cross and Blue Shield of Minnesota in its entirety for lack of standing. This motion will be based on all the pleadings, files, and records herein, on the Memorandum served and filed with this Notice of Motion and Motion, on any additional memoranda that may be filed in support of the Motion, and upon such argument of counsel as the Court may permit. All of these answering defendants join in the Memorandum served and filed herewith.

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