

**IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT  
HILLSBOROUGH COUNTY, FLORIDA  
CIVIL DIVISION**

IN RE: *ENGLE* PROGENY CASES  
TOBACCO LITIGATION

Case No.: 08-CA-80000  
DIVISION D

*Pertains to: All Cases*

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**CASE MANAGEMENT ORDER NO. 5**

**I. SCOPE AND APPLICABILITY OF THIS ORDER**

This Court previously entered Case Management Order (“CMO”) No. 1 on March 12, 2008, CMO No. 2 on June 6, 2008, CMO No. 3 on January 9, 2009, and CMO No 4 on June 26, 2009 to govern the *Engle* Progeny Cases pending in this Circuit. This Case Management Order No. 5 modifies CMO Nos. 1 and 4, but shall not be construed to modify or alter CMO Nos. 1 and 4 except as expressly set forth herein.

**II. MODIFICATION TO CMO NO. 4**

Section II of CMO No. 4 (addressing modification of CMO No. 3) is hereby modified as follows: The form Scheduling Order for Trial Designated Cases, attached as Exhibit 1 to CMO No. 4, and referenced in Section II, shall be replaced with the Scheduling Order for Trial Designated Cases attached as Exhibit 1 hereto. The Scheduling Order for Trial Designated Cases, the form of which is attached hereto as Exhibit 1, shall be entered for each Trial Designated Case by the judge assigned to the Trial Designated Case.

**III. DEFENDANTS’ VERIFIED WORKSHEETS**

As directed by CMO No 1, the Plaintiffs have proposed the use of Verified Worksheets to Defendants as an alternative to traditional written interrogatories under Rule 1.340, Fla. R. Civ.

P., and traditional requests for production under Rule 1.350, Fla. R. Civ. P. After reviewing both the respective submissions of the parties and the objections of counsel for all parties and hearing the arguments, the Court approves the use of the Verified Worksheets to Defendants in the form attached as Exhibits 2 (All-Cases) and 3 (Case-Specific).

**A. All-Cases Worksheet:**

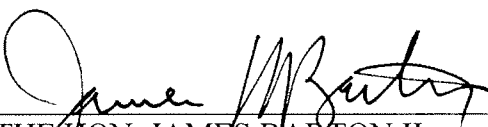
Each Defendant shall have 30 days from the date of this Order to respond to the All-Cases Worksheet. Within 10 days after the service of Defendant's response, if Plaintiff's Liaison Counsel contends that a particular All-Cases Worksheet response is deficient, Plaintiffs' Liaison Counsel shall serve a Notice of Verified Worksheet Deficiency, which specifies with particularity the alleged deficiencies in the All-Cases Worksheet. Each Defendant so served shall have 20 days after service of the Notice of Verified Worksheet Deficiency within which to cure such alleged deficiencies. If Plaintiffs' Liaison Counsel contends that the alleged deficiencies are not cured, then Plaintiffs Liaison Counsel may file a single motion to compel in the master case file (*In re: Engle Progeny Cases Tobacco Litigation*, 08-CA-80000) and otherwise comply with the requirements in CMO #1 with regard to consultation with opposing counsel, and the scheduling of a hearing with respect to such motion.

**B. Case-Specific Worksheet:**

For each current Trial Designated Case with a discovery cut-off later than September 1, 2009 and all future Trial Designated Cases, each Defendant shall complete the Case-Specific Worksheet according to the schedule below. For each Trial Designated Case with a discovery cut-off before September 1, 2009, those Plaintiffs may seek entry of an order requiring completion of a Case Specific Worksheet in the individual case.

Each Defendant must respond to the Case-Specific Worksheet no sooner than 105 days from the close of discovery, but not later than 90 days from the close of discovery. Within 10 days after the service of Defendant's response, if counsel for the Plaintiff contends that a particular Case-Specific Worksheet response is deficient, counsel shall serve a Notice of Verified Worksheet Deficiency, which specifies with particularity the alleged deficiencies in the Case Specific Worksheet. Each Deficient Party will then have 20 days after service of the Notice of Verified Worksheet Deficiency within which to cure such alleged deficiencies. If counsel for Plaintiff contends that the alleged deficiencies are not cured, then counsel for Plaintiff may file a single motion to compel in the individual case and otherwise comply with the requirements in CMO No. 1 with regard to consultation with opposing counsel, and the scheduling of the hearing.

DONE AND ORDERED at Tampa, Florida, this 9<sup>th</sup> day of July, 2010.<sup>09</sup>

  
\_\_\_\_\_  
THE HON. JAMES BARTON II  
Circuit Judge

Copies Furnished to:

All counsel of record.

EXHIBIT 1 TO CMO NO. 5

IN THE CIRCUIT COURT FOR THE THIRTEENTH JUDICIAL CIRCUIT  
IN HILLSBOROUGH COUNTY, FLORIDA  
CIVIL DIVISION

IN RE: *ENGLE* PROGENY CASES  
TOBACCO LITIGATION

CASE NO.: 08-CA-80000  
DIVISION D

*Pertains To: Cases Listed on Plaintiffs’  
Notice of Trial Designated Cases (attached  
hereto as Exhibit “A”)*

**SCHEDULING ORDER FOR TRIAL DESIGNATED CASES**

Pursuant to Case Management Orders Nos. 1, 3, 4, and 5, this Scheduling Order for Trial Designated Cases shall govern the remaining fact and expert discovery and pretrial procedures for cases set forth in Plaintiffs’ Notice of Trial Designated Cases filed on \_\_\_\_\_ (“Designation Date”), attached hereto as Exhibit A.

<b>Event</b>	<b>Deadline</b>
Defendant to serve Plaintiff with notice of potential transfer of venue motion of Trial Designated Case	15 days after Designation Date
Plaintiff to file notice of withdrawal of Trial Designated Case subject to potential transfer motion and designation of a substitute Trial Designated Case	5 days after Defendant gives notice of potential transfer of venue
Plaintiff to serve a list of experts the Plaintiff expects to call at trial, along with expert summaries or reports pursuant to FRCP 1.280(b)(4)	150 days prior to close of discovery( <b>exact date to be determined</b> )
Defendant to serve a list of experts the Defendant expects to call at trial, along with expert summaries or reports pursuant to FRCP 1.280(b)(4)	45 days after Plaintiff serves its list of experts( <b>exact date to be determined</b> )
Plaintiff to serve a list of any rebuttal experts the Plaintiff intends to call at trial, along with expert summaries or reports pursuant to FRCP 1.280(b)(4)	Up to and including 45 days after the designation of defense experts, or up to and including 7 days after the deposition of the defense expert whose opinions the expert is designated to rebut, whichever is

Event	Deadline
	later. In any event, however, Plaintiff shall serve its rebuttal expert designations no later than 45 days prior to the close of discovery. <b>(exact date to be determined)</b>
Defendant to serve a list of any sur-rebuttal experts the Defendant intends to call at trial, along with expert summaries or reports pursuant to FRCP 1.280(b)(4)	Up to and including 30 days after the designation of Plaintiffs' rebuttal experts, or up to and including 5 days after the deposition of the rebuttal expert whose opinions the expert is designated to rebut, whichever is later. In any event, however, Defendant shall serve its sur-rebuttal expert designations no later than 30 days prior to the close of discovery. <b>(exact date to be determined)</b>
Defendants to serve their responses to the Case-Specific Verified Worksheet.	Not sooner than 105 days prior to the close of discovery, but not later than 90 days prior to the close of discovery.
All fact and expert discovery to be completed	90 days before the beginning of trial <b>(exact date to be determined)</b>
All pretrial dispositive motions and <i>Frye</i> motions, other than motions in limine, to be filed	60 days before the beginning of trial <b>(exact date to be determined)</b>
Plaintiff shall furnish Defendants a final list of witnesses expected to testify . Any witness, other than rebuttal witnesses, not disclosed at this time will not be permitted to testify at trial.	45 days before the beginning of trial <b>(exact date to be determined)</b>
Defendant shall furnish Plaintiff a final list of witnesses expected to testify, including rebuttal witnesses. Any witness not disclosed at this time will not be permitted to testify at trial.	38 days before the beginning of trial <b>(exact date to be determined)</b>
Plaintiff shall furnish Defendant a final list of rebuttal witnesses expert to testify. Any rebuttal witnesses not disclosed at this time will not be permitted to testify at trial.	35 days before the beginning of trial <b>(exact date to be determined)</b>
Parties to exchange catalog of trial exhibits, and make	30 days before the beginning of

<b>Event</b>	<b>Deadline</b>
exhibits available for inspection by opposing counsel	trial ( <b>exact date to be determined</b> )
Parties to exchange deposition designations of witnesses whose testimony is expected to be presented by deposition, either by transcript or video	30 days before the beginning of trial (Counter-designations and objections to designations 20 days before the beginning of trial) ( <b>exact date to be determined</b> )
All motions in limine must be filed and served, along with memos addressing unusual questions of law	25 days before trial (Responses to motions in limine must be filed and served at least 15 days before the beginning of trial) ( <b>exact date to be determined</b> )
All hearings on motions, other than motions in limine, must be scheduled and heard	Not later than 20 days before the beginning of trial ( <b>exact date to be determined</b> )
Parties to meet and prepare Joint Pretrial Stipulation	Not later than 20 days before the beginning of trial ( <b>exact date to be determined</b> )
Joint Pretrial Stipulation to be filed	5 days before Pretrial Conference ( <b>exact date to be determined</b> )
Pretrial Conference	10 to 15 days before the beginning of trial ( <b>exact date to be determined by assigned trial judge</b> )
Trial Date	<b>Exact date to be determined by assigned trial judge</b>

DONE AND ORDERED at Tampa, Florida, this \_\_\_\_\_ day of \_\_\_\_\_,

20\_\_.

\_\_\_\_\_  
CIRCUIT JUDGE

Copies furnished to:  
All counsel of record

**EXHIBIT 2 TO CMO NO. 5**



Plaintiff Name: Pertains to All Hillsborough County Engle Progeny Cases

Defendant Name: \_\_\_\_\_

Case Number: 08-80000

**DEFENDANT'S VERIFIED WORKSHEET**

(Pertains to All Cases)

**INSTRUCTIONS:**

*This Defendant's Verified Worksheet provides "generic" information that will pertain to all Hillsborough County Engle Progeny Cases. Defendant need only provide the answers to this Verified Worksheet one time in the "All-Cases" file (08-80000).*

*All references in this form to "Defendant" shall mean the corporate Defendant listed in this lawsuit. If the lawsuit is being brought by a Personal Representative on behalf of a deceased smoker, all references in this form to "Plaintiff" shall mean the deceased smoker.*

**FILL OUT THIS WORKSHEET COMPLETELY.** *If there is not enough room in a space or on a page to give a complete answer, attach additional pages so that a complete answer is provided.*

**A.**

1. Please provide the name, address, and the relationship to the Defendant of all person(s) who provided information responsive to the questions posed in this Verified Worksheet:

(a).

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Relationship to Defendant (e.g. Title, Department, etc.): \_\_\_\_\_

\_\_\_\_\_

(b).

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Relationship to Defendant (e.g. Title, Department, etc.): \_\_\_\_\_

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(c).

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Relationship to Defendant (e.g. Title, Department, etc.): \_\_\_\_\_

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2. Pursuant to Rule 1.310(b)(6), Fla. R. Civ. P., please identify by name the designee (one or more officers, directors or managing agents) to testify on behalf of Defendant currently employed by Defendant possessing the most knowledge on each of the following subjects:

a) efforts by Defendant and/or any co-Defendant to study, synthesize, or otherwise utilize nicotine analogues.

Name: \_\_\_\_\_

b) efforts by Defendant and/or any co-Defendant to determine, quantify, or otherwise analyze the propensity of humans to become addicted to nicotine by smoking cigarettes containing nicotine.

Name: \_\_\_\_\_

c) efforts by Defendant and/or any co-Defendant to publicize any findings by Defendant and/or any co-Defendant regarding the propensity of humans to become addicted to nicotine by smoking cigarettes containing nicotine.

Name: \_\_\_\_\_

d) the process of creating reconstituted tobacco (RTS) and the purpose for doing so.

Name: \_\_\_\_\_

e) nicotine extraction and application during the manufacturing process.

Name: \_\_\_\_\_

f) the history and process of flue-curing of tobacco by Defendant and/or any co-Defendant, including the health effects (costs and benefits) of flue curing.

Name: \_\_\_\_\_

g) the history, purpose, and effects of pH manipulation in tobacco, including industry research into the issue by Defendant and/or any co-Defendants.

Name: \_\_\_\_\_

h) the history, purpose, and effects of tobacco ammoniation, including industry research into the issue by Defendant and/or any co-Defendants.

Name: \_\_\_\_\_

i) advertising and other sales promotion of Defendants cigarettes and/or any co-Defendant cigarettes in Florida for the period of January 1, 1930-December 31, 2008.

Name: \_\_\_\_\_

j) efforts made during the period of January 1, 1930 – December 31, 2008 by Defendant and/or any co-Defendant to warn the consuming public of Florida of any health risks associated with smoking cigarettes.

Name: \_\_\_\_\_

k) the routine habits, policies, practices, standards, and/or procedures for communications between Defendant and the CTR, TI, and/or CTR.

Name: \_\_\_\_\_

l) the use of persons or facilities outside the continental United States to conduct smoking and health-related research or to otherwise analyze, study, store, or destroy such research, including documents (as defined by Fla. R. Civ. P. 1.350) created, generated, or obtained in connection with such research.

Name: \_\_\_\_\_

m) research performed by Batelle, including Hippo I, Hippo II, Ariel, Mad Hatter, and Janus.

Name: \_\_\_\_\_

n) Y-1 tobacco or any other efforts at researching, creating, growing, or producing a genetically modified tobacco plant.

Name: \_\_\_\_\_

C. Verifications

STATE OF FLORIDA                    )  
COUNTY OF HILLSBOROUGH        )        ss.

Lorillard:

I, \_\_\_\_\_, am the \_\_\_\_\_ of Lorillard Tobacco Company, a Defendant in this action. I have read the foregoing LORILLARD TOBACCO COMPANY'S RESPONSES TO PLAINTIFFS' ALL-CASES VERIFIED WORKSHEET TO DEFENDANT LORILLARD TOBACCO COMPANY, know the contents thereof, and am informed and believe that the Responses are true and correct.

\_\_\_\_\_  
Name  
Title  
Lorillard Tobacco Company

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PM USA:

\_\_\_\_\_, being first duly sworn, deposes and says that he is \_\_\_\_\_ of Philip Morris USA Inc. ("Philip Morris USA"); that he verifies for and on behalf of Philip Morris USA the foregoing PHILIP MORRIS USA INC.'S RESPONSE TO PLAINTIFFS' ALL-CASES VERIFIED WORKSHEET TO DEFENDANT PHILIP MORRIS USA, INC.; that he is duly authorized to do so; that the matters stated therein are not within his personal knowledge; and that the information stated therein has been assembled by counsel for Philip Morris USA and present and/or former employees of Philip Morris USA; and that he is informed and believes the information therein stated is true.

\_\_\_\_\_  
Name  
Title  
Philip Morris USA, Inc.

RJR:

\_\_\_\_\_, being duly sworn, deposes and states that he is \_\_\_\_\_ for R.J. Reynolds Tobacco Company ("Reynolds"), that he signs the foregoing R.J. REYNOLDS TOBACCO COMPANY'S RESPONSE TO PLAINTIFFS' ALL-CASES VERIFIED WORKSHEET TO DEFENDANT R.J. REYNOLDS TOBACCO COMPANY on behalf of Reynolds and is duly authorized to do so, that he has read the foregoing interrogatories and responses thereto and knows the contents thereof, that the matters stated in such responses are not within his personal knowledge, and that there is no individual employee of Reynolds who has personal knowledge of all such matters. These responses were prepared with the assistance of employees and counsel for Reynolds upon whom he has relied and the responses, subject to inadvertent and undiscovered error, are based upon and necessarily limited by the records and information still in existence, presently recollected and thus far discovered in the course of preparation of such responses. The affiant further states that Reynolds reserves the right to make any changes in the responses if it appears at any time that omissions or errors have been made therein or that more accurate information is available, and that subject to the limitations set forth herein, such responses are true to the best of his knowledge, information and belief.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on \_\_\_\_\_

\_\_\_\_\_  
Name  
Title  
RJ Reynolds Tobacco Company

Liggett:

(See PM Verification language)

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public, State of Florida

\_\_\_\_\_  
Commissioned Name of Notary Public

Personally known \_\_\_\_\_ or produced identification \_\_\_\_\_.

Type of identification produced \_\_\_\_\_.

EXHIBIT 3 TO CMO NO. 5

Plaintiff Name: \_\_\_\_\_

Defendant Name: \_\_\_\_\_

Case Number: \_\_\_\_\_

**DEFENDANT'S VERIFIED WORKSHEET**

(Pertains to Specific Case)

**INSTRUCTIONS:**

*All references in this form to "Defendant" shall mean the corporate Defendant listed in this lawsuit. If the lawsuit is being brought by a Personal Representative on behalf of a deceased smoker, all references in this form to "Plaintiff" shall mean the deceased smoker.*

**FILL OUT THIS WORKSHEET COMPLETELY.** *If there is not enough room in a space or on a page to give a complete answer, attach additional pages so that a complete answer is provided.*

**A. Interrogatories**

1. Please provide the name, address, and the relationship to the Defendant of all person(s) who provided information responsive to the questions posed in this Verified Worksheet:

(a).

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Relationship to Defendant (e.g. Title, Department, etc.): \_\_\_\_\_

\_\_\_\_\_

(b).

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Relationship to Defendant (e.g. Title, Department, etc.): \_\_\_\_\_

\_\_\_\_\_



(c).

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Relationship to Defendant (e.g. Title, Department, etc.): \_\_\_\_\_

\_\_\_\_\_

2. Does Defendant contend that the Plaintiff used any product manufactured by Defendant in a manner not intended or reasonably foreseeable to Defendant? If so, please describe in detail every such act or omission by the Plaintiff and every fact supporting that contention.

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes: \_\_\_\_\_

\_\_\_\_\_

3. Does Defendant contend that the Plaintiff used any product manufactured by any other Defendant in a manner not intended or reasonably foreseeable to that Defendant? If so, please describe in detail every such act or omission by the Plaintiff and every fact supporting that contention.

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes: \_\_\_\_\_

\_\_\_\_\_

4. Does Defendant contend that any person or entity is or may be liable in whole or in part for the claims asserted against it in this action? If yes, please state for each: (a) their name, (b), the legal basis for the contention, and (c) the facts and evidence upon which the contention is based.

Yes \_\_\_\_\_ No \_\_\_\_\_

If Yes: 1) Name: \_\_\_\_\_

Legal Basis: \_\_\_\_\_

\_\_\_\_\_

Facts and Evidence: \_\_\_\_\_

\_\_\_\_\_

2) Name: \_\_\_\_\_

Legal Basis: \_\_\_\_\_

\_\_\_\_\_

Facts and Evidence: \_\_\_\_\_

5. In questions 25 and 28 of the Plaintiff's Verified Worksheet, Plaintiff identified his/her health care providers. Has Defendant ever identified any of Plaintiff's health care providers as an expert witness in any lawsuit pertaining to smoking and health litigation from January 1, 1990 to the present?

Yes \_\_\_\_\_ No \_\_\_\_\_

If Yes, please state for each health care provider:

- 1) The identity of the health care provider: \_\_\_\_\_
- 2) The case caption(s), jurisdiction(s), and case number(s) in which the health care provider was identified: \_\_\_\_\_

6. Has Defendant made any agreement with any person or entity that would limit Defendant's liability to Plaintiff for any of the damages sued upon in this action?

Yes \_\_\_\_\_ No \_\_\_\_\_

If Yes, please summarize the terms of the agreement and the parties to it.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

7. List the names and address of all persons who are believed or known by you, your agents, or your attorneys to have any knowledge concerning any of the issues in this lawsuit; and specify the subject matter about which the witness has knowledge. (Please attach additional sheets if necessary).

a) Name: \_\_\_\_\_

Address: \_\_\_\_\_

Subject matter: \_\_\_\_\_

b) Name: \_\_\_\_\_

Address: \_\_\_\_\_

Subject matter: \_\_\_\_\_

c) Name: \_\_\_\_\_

Address: \_\_\_\_\_

Subject matter: \_\_\_\_\_

d) Name: \_\_\_\_\_

Address: \_\_\_\_\_

Subject matter: \_\_\_\_\_

e) Name: \_\_\_\_\_

Address: \_\_\_\_\_

Subject Matter: \_\_\_\_\_

8. Does Defendant contend that any event, factor, occurrence, or condition intrinsic or endemic to any location Plaintiff lived or worked contributed or may have contributed to any illness Plaintiff suffered, which Plaintiff has alleged was caused by smoking? If so, please state with specificity the location, time period, and every fact supporting that contention.

Yes \_\_\_\_\_

No \_\_\_\_\_

If Yes:

a) Location: \_\_\_\_\_

Time Period: \_\_\_\_\_

Fact(s): \_\_\_\_\_

b) Location: \_\_\_\_\_

Time Period: \_\_\_\_\_

Fact(s): \_\_\_\_\_

c) Location: \_\_\_\_\_

Time Period: \_\_\_\_\_

Fact(s): \_\_\_\_\_

9. Other than those items listed in response to Question 9, does Defendant contend any other event, factor, occurrence, or condition (environmental or otherwise) contributed or may have contributed to any illness Plaintiff suffered, which Plaintiff has alleged was caused by smoking? If so, please state with specificity the time period and every fact supporting that contention.

a)

Time Period: \_\_\_\_\_

Fact(s): \_\_\_\_\_

b)

Time Period: \_\_\_\_\_

Fact(s): \_\_\_\_\_

10. Does Defendant contend that Plaintiff does not qualify as a member of the *Engle* class? If yes, please set forth every fact supporting this contention.

Yes \_\_\_\_\_ No \_\_\_\_\_

If Yes: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

11. Does Defendant contend that Plaintiffs' claims are barred by the statute of limitations, repose, and/or related doctrines? If yes, please set forth every fact supporting this contention.

Yes \_\_\_\_\_ No \_\_\_\_\_

If Yes: \_\_\_\_\_

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12. In Section A, questions 17 and 18 of the Plaintiff's Verified Worksheet, Plaintiff identified cigarette brands used by Plaintiff prior to November 21, 1996 and brands that Plaintiff currently uses. For those brands either listed in Plaintiff's Verified Worksheet, or brands which have been discovered to have been used by Plaintiff through other means of discovery, please identify the year the brand was first manufactured and year it stopped being manufactured by Defendant (if applicable). (Please attach additional sheets if necessary).

a) Brand: \_\_\_\_\_ Years of Manufacture: \_\_\_\_\_

b) Brand: \_\_\_\_\_ Years of Manufacture: \_\_\_\_\_

c) Brand: \_\_\_\_\_ Years of Manufacture: \_\_\_\_\_

d) Brand: \_\_\_\_\_ Years of Manufacture: \_\_\_\_\_

e) Brand: \_\_\_\_\_ Years of Manufacture: \_\_\_\_\_

f) Brand: \_\_\_\_\_ Years of Manufacture: \_\_\_\_\_

g) Brand: \_\_\_\_\_ Years of Manufacture: \_\_\_\_\_

**B. Documents**

Attach copies of all documents listed below in your possession, custody, or control and/or identify the responsive documents you possess and state a time and place they will be made available. If Defendants direct Plaintiffs to their respective document websites in response to requests contained in this Verified Defendants' Worksheet and plaintiffs have difficulty locating the documents they seek, Defendants will provide assistance to Plaintiffs as set forth in CMO #1. In addition, Defendants shall provide Plaintiffs with a glossary, index of relevant search terms and/or documents identifying key term coding which are applicable to their respective websites if any such items exist.

1. A legible/audible copy of each transcript or audio recording of any statement made at any time by Plaintiff and his/her Personal Representative (if applicable).
2. Every document Defendant contends proves or tends to prove that Plaintiff knew any health risks associated with smoking.
3. Every document that Defendant contends Plaintiff read or viewed or otherwise encountered or perceived such that Defendant contends it alerted or should have alerted Plaintiff to any health risks associated with smoking cigarettes.
4. Every document that Defendant contends proves or tends to prove that Plaintiff knew cigarettes and/or nicotine are addictive.
5. Every document that Defendant contends proves or tends to prove that Plaintiff should have known cigarettes and/or nicotine are addictive.
6. Every advertisement Defendant contends Plaintiff read or reviewed or otherwise encountered or perceived such that Defendant contends it alerted or should have alerted Plaintiff to any health risks associated with smoking cigarettes.
7. Every document supporting any contention that any event, factor, occurrence or condition intrinsic or endemic to where Plaintiff lived or worked may have contributed to any illness Plaintiff suffered, which Plaintiff has alleged was caused by smoking.
8. Every document in Defendant's possession, custody, or control, which was not generated or obtained in connection with this action and which bears the name or other identifying information for Plaintiff and Plaintiff's Personal Representative (if applicable).

C. Verifications

STATE OF FLORIDA                    )  
COUNTY OF HILLSBOROUGH        )        ss.

Lorillard:

I, \_\_\_\_\_, am the \_\_\_\_\_ of Lorillard Tobacco Company, a Defendant in this action. I have read the foregoing LORILLARD TOBACCO COMPANY'S RESPONSES TO PLAINTIFFS' ALL-CASES VERIFIED WORKSHEET TO DEFENDANT LORILLARD TOBACCO COMPANY, know the contents thereof, and am informed and believe that the Responses are true and correct.

\_\_\_\_\_  
Name  
Title  
Lorillard Tobacco Company

---

PM USA:

\_\_\_\_\_, being first duly sworn, deposes and says that he is \_\_\_\_\_ of Philip Morris USA Inc. ("Philip Morris USA"); that he verifies for and on behalf of Philip Morris USA the foregoing PHILIP MORRIS USA INC.'S RESPONSE TO PLAINTIFFS' ALL-CASES VERIFIED WORKSHEET TO DEFENDANT PHILIP MORRIS USA, INC.; that he is duly authorized to do so; that the matters stated therein are not within his personal knowledge; and that the information stated therein has been assembled by counsel for Philip Morris USA and present and/or former employees of Philip Morris USA; and that he is informed and believes the information therein stated is true.

\_\_\_\_\_  
Name  
Title  
Philip Morris USA, Inc.

RJR:

\_\_\_\_\_, being duly sworn, deposes and states that he is \_\_\_\_\_ for R.J. Reynolds Tobacco Company (“Reynolds”), that he signs the foregoing R.J. REYNOLDS TOBACCO COMPANY’S RESPONSE TO PLAINTIFFS’ ALL-CASES VERIFIED WORKSHEET TO DEFENDANT R.J. REYNOLDS TOBACCO COMPANY on behalf of Reynolds and is duly authorized to do so, that he has read the foregoing interrogatories and responses thereto and knows the contents thereof, that the matters stated in such responses are not within his personal knowledge, and that there is no individual employee of Reynolds who has personal knowledge of all such matters. These responses were prepared with the assistance of employees and counsel for Reynolds upon whom he has relied and the responses, subject to inadvertent and undiscovered error, are based upon and necessarily limited by the records and information still in existence, presently recollected and thus far discovered in the course of preparation of such responses. The affiant further states that Reynolds reserves the right to make any changes in the responses if it appears at any time that omissions or errors have been made therein or that more accurate information is available, and that subject to the limitations set forth herein, such responses are true to the best of his knowledge, information and belief.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on \_\_\_\_\_

\_\_\_\_\_  
Name  
Title  
RJ Reynolds Tobacco Company



Liggett:

(See PM Verification language)

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public, State of Florida

\_\_\_\_\_  
Commissioned Name of Notary Public

Personally known \_\_\_\_\_ or produced identification \_\_\_\_\_.

Type of identification produced \_\_\_\_\_.