



IN THE CIRCUIT COURT OF OHIO COUNTY, WEST VIRGINIA

**IN RE: TOBACCO LITIGATION
(Individual Personal Injury Cases)**

**CIVIL ACTION NO. 00-C-5000
(Judge Arthur M. Recht)**

THIS DOCUMENT APPLIES TO ALL CASES

**AGREED, EXTENDED BRIEFING ORDER REGARDING ISSUES
RAISED BY DEFENDANT LIGGETT GROUP LLC**

At the request of the Court, Defendant Liggett Group LLC (“Liggett”) and Plaintiffs, each represented by their respective counsel, appeared at a hearing on June 8, 2015, to address whether Plaintiffs have remaining, viable claims against Liggett in this action and, if so, how to proceed with the litigation of such claims. At the hearing, Liggett asserted its contention that some or all of Plaintiffs’ claims in this action as against Liggett are precluded and are no longer viable, and should be resolved in favor of Liggett, based, *inter alia*, upon the application of collateral estoppel and prior proceedings in this action, including, without limitation, the jury trial, verdict and final judgment in the Phase I Common Issues Trial as against the non-Liggett cigarette manufacturing defendants.

Having given the matter thorough consideration, and without objection by any party, the Court has determined that judicial economy would best be served if the issues raised by Liggett are presented to the Court by the parties in written briefs and supporting papers. A “Briefing Order Regarding Issues Raised by Defendant, Liggett Group LLC” was previously entered in this matter on June 23, 2015 but, due to the unforeseen scheduling conflicts of counsel intimately involved in the briefing process, counsel for the Plaintiffs and Liggett have conferred and agree that extensions of the filing deadlines set forth in that “Briefing Order” have become necessary, reasonable and appropriate.

Accordingly, it is hereby **ORDERED** that the parties shall submit briefs and supporting papers on these issues as follows:

1. Liggett shall file its initial brief and supporting papers on or before September 18, 2015;
2. Plaintiffs shall file their responsive papers on or before October 19, 2015; and
3. Liggett shall file its reply papers on or before November 2, 2015.

After briefing is completed, the Court will inform the parties as to whether it requires oral argument on these issues. No further extension of these deadlines will be granted by the Court.

It is so **ORDERED**.

ENTER: July 28, 2015.

/s/ Arthur M. Recht
Senior Status Judge, Tobacco Litigation

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