



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

**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 undersigned 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 on the schedule set forth below. 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 August 7, 2015;
2. Plaintiffs shall file their responsive papers on or before September 7, 2015; and
3. Liggett shall file its reply papers on or before September 22, 2015.

After briefing is completed, the Court will inform the parties as to whether it requires oral argument on these issues. This briefing schedule shall not be modified without leave of the Court.

It is so **ORDERED**.

ENTER: June 23, 2015.

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

Presented by:

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