



IN THE CIRCUIT COURT OF OHIO COUNTY, WEST VIRGINIA

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

CIVIL ACTION NO. 00-C-5000

SECOND AMENDED PHASE II CASE MANAGEMENT ORDER

The Court enters this **ORDER** as follows:

1. On May 15, 2013, the Phase I jury rejected all cigarette claims in this action against the companies referenced in paragraph 7 below except for claims by those plaintiffs who allege that they were injured by a failure to instruct with respect to ventilated filter cigarettes manufactured, sold, and smoked between 1964 and July 1, 1969.
2. Plaintiffs appealed the jury verdict and various rulings by this Court, but the West Virginia Supreme Court of Appeals rejected that appeal and affirmed the jury verdict and this Court's rulings.
3. The Court determined that there are 30 plaintiffs who could potentially pursue a failure to instruct claim in Phase II because their paragraph 5(b) filings in this case arguably indicated that they may have smoked a brand of cigarettes with ventilated filters during the relevant period.
4. The parties have informed the Court that they have reached a resolution with the 30 remaining plaintiffs. That resolution is in the process of being memorialized.
5. In light of this development, all deadlines in prior case management orders relating to ventilated filter claims are hereby **VACATED**.
6. Within 10 days of completing the necessary settlement documents and releases for all 30 plaintiffs, the parties will notify the Court and plaintiffs

will submit to the Court documentation necessary for the Court to approve settlements covered by W. Va. Code, § 55-7-7, if any.

7. Once this process is completed, the Court will enter a dismissal with prejudice of all of the individual actions covered by this matter (No. 00-C-5000) asserting claims of personal injury allegedly caused by cigarettes manufactured by Philip Morris USA Inc., R.J. Reynolds Tobacco Company, Lorillard Tobacco Company, Brown & Williamson Tobacco Corporation, and/or The American Tobacco Company, including their predecessors and successors.

Enter: October 26, 2017

/s/ Jack Alsop
Lead Presiding Judge
Tobacco Litigation

PRESENTED BY:

/s/ Susan M. Robinson
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