

STATE OF WEST VIRGINIA

At the Supreme Court of Appeals, continued and held at Charleston, Kanawha County, on December 5, 2013, the following order was made and entered **in vacation**:

In Re: Tobacco Litigation

Ronald Acord, et al., Plaintiffs Below,
Petitioners

vs.) No. 13-1204

Phillip Morris USA, Incorporated; R.J. Reynolds
Tobacco Company; Brown & Williamson Tobacco
Corporation; and Lorillard Tobacco Company,
Defendants Below, Respondents

SCHEDULING ORDER

On a former day, to-wit, November 26, 2013, came the petitioners, Ronald Acord, et al., by Timothy N. Barber, liaison counsel for the plaintiffs below, and presented a timely and complete notice of appeal from an order of the Circuit Court of Kanawha County (No. 00-C-5000) entered October 28, 2013, along with the two-hundred (\$200.00) dollar filing fee. The appeal has been placed on the docket as No. 13-1204, in accord with Rule 5(b) of the Rules of Appellate Procedure ("R.A.P. 5(b)"). All filings related to this appeal must refer to this Court's docket number and use the case caption set forth in this order.

Pursuant to R.A.P. 17(a)(4), all parties to this matter are hereby directed to assist the petitioners in preparing a joint appendix of items contained in the record of the circuit court that are relevant to this Court's consideration of the certified questions. Pursuant to R.A.P. 7(e), if no agreement is reached on the contents of the appendix, the petitioners must prepare a list of the

parts of the record that the petitioners intend to include in the appendix, and serve the list on the respondents on or before January 31, 2014.

The deadline for perfecting the appeal is March 3, 2014. The petitioners may perfect the appeal at any time on or prior to the deadline set forth in this order.

The respondents are hereby directed to file a respondents' brief, or summary response, on or before April 17, 2014, or within forty-five days of the date the appeal is perfected, if appeal is perfected prior to March 3, 2014. Liaison counsel for the respondents is David B. Thomas, Thomas Combs & Spann, PLLC.

Any reply brief deemed necessary shall be filed by the petitioners within twenty days of the respondents' brief.

Once the deadline for filing a reply brief has passed, the matter will be mature for consideration by the Court pursuant to R.A.P. 17(a)(6). Counsel of record will be notified in writing of any decision in the case.

A True Copy

Attest: /s/ Rory L. Perry II, Clerk of Court

