

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	Civil Action No. 99-CV-2496 (GK)
	)	Next scheduled court appearance: NONE
and	)	
	)	
TOBACCO-FREE KIDS	)	
ACTION FUND, <i>et al.</i>	)	
	)	
Plaintiff-Intervenors	)	
	)	
v.	)	
	)	
PHILIP MORRIS USA INC., <i>et al.</i> ,	)	
	)	
Defendants.	)	
	)	

**JOINT MOTION FOR CONSENT ORDER BETWEEN THE UNITED STATES, THE PUBLIC HEALTH INTERVENORS, PHILIP MORRIS USA INC., ALTRIA GROUP, INC., AND R.J. REYNOLDS TOBACCO COMPANY CONCERNING DOCUMENT DISCLOSURE OBLIGATIONS UNDER ORDER #1015**

By Orders dated February 25, 2011 (DN 5878) and March 24, 2011 (DN 5895), this Court referred to mediation several matters related to Defendants’ document disclosure obligations under Order #1015 (DN 5733, Aug. 17, 2006), published as *United States v. Philip Morris USA Inc.*, 449 F. Supp. 2d 1, 940-44 (D.D.C. 2006), *aff’d in part & vacated in part*, 566 F.3d 1095 (D.C. Cir. 2009) (*per curiam*), *cert. denied*, 561 U.S. \_\_\_, 130 S. Ct. 3501 (2010). Philip Morris USA Inc., Altria Group, Inc., and R.J. Reynolds Tobacco Company (in its own capacity and as successor in interest to Brown & Williamson, Inc., and American Tobacco, Inc.) (hereafter “Defendants”) and the United States and the Public Health Intervenors (hereafter “Plaintiffs”) have successfully concluded that mediation. Subject to the Court’s approval, the attached (proposed) Consent Order resolves the issues referred for mediation, including the scope of these

Defendants' coding obligations for documents posted on their public websites maintained by them as a result of production in smoking and health litigation both prior to November 1, 2011, and on or after that date.

WHEREFORE, Plaintiffs and the specified Defendants respectfully ask the Court to enter the attached (proposed) Consent Order.

Dated: December 13, 2011

Respectfully submitted,

TONY WEST  
Assistant Attorney General

MAAME EWUSI-MENSAH FRIMPONG  
Acting Deputy Assistant Attorney General

MICHAEL BLUME, Director  
KENNETH JOST, Deputy Director

\_\_\_\_\_/s/\_\_\_\_\_  
DANIEL K. CRANE-HIRSCH  
JOHN W. BURKE  
Trial Attorneys  
Consumer Protection Branch, Civil Division  
United States Department of Justice  
PO Box 386  
Washington, DC 20004-0386  
Telephone: 202-616-8242 (Crane-Hirsch)  
202-353-2001 (Burke)  
Facsimile: 202-514-8742  
E-mail address:  
[daniel.crane-hirsch@usdoj.gov](mailto:daniel.crane-hirsch@usdoj.gov)  
[josh.burke@usdoj.gov](mailto:josh.burke@usdoj.gov)

*Attorneys for Plaintiff United States of  
America*

\_\_\_\_\_/s/ Howard M. Crystal\_\_\_\_\_  
Howard M. Crystal (D.C. Bar No. 446189)  
MEYER GLITZENSTEIN & CRYSTAL  
1601 Connecticut Avenue, Suite 700

Washington, DC 20009  
202-588-5206  
[hcrystal@meyerglitz.com](mailto:hcrystal@meyerglitz.com)

*Attorney for the Public-Health  
Plaintiff-Intervenors*

/s/

---

Beth A. Wilkinson (D.C. Bar No. 462561)  
PAUL, WEISS, RIFKIND, WHARTON &  
GARRISON LLP  
2001 K Street, N.W.  
Washington, DC 20006-1047  
Telephone: (202) 223-7300  
Fax: (202) 223-7420

Miguel A. Estrada (D.C. Bar No. 456289)  
GIBSON, DUNN & CRUTCHER LLP  
1050 Connecticut Avenue, N.W.  
Washington, DC 20036-5306  
Telephone: (202) 955-8257  
Fax: (202) 530-9016

Thomas J. Frederick  
WINSTON & STRAWN LLP  
35 West Wacker Drive  
Chicago, Illinois 60601-9703  
Telephone: (312) 558-6700  
Fax: (202) 558-5700

*Attorneys for Defendants  
Altria Group Inc. and Philip Morris USA Inc.*

/s/ Noel J. Francisco

Noel J. Francisco (D.C. Bar No. 464752)  
Robert F. McDermott (D.C. Bar No. 261164)  
Peter J. Biersteker (D.C. Bar No. 358108)  
JONES DAY  
51 Louisiana Avenue, N. W.

Washington, D.C. 20001-2113  
Telephone: (202) 879-5485  
Fax: (202) 626-1700

R. Michael Leonard  
WOMBLE CARLYLE SANDRIDGE &  
RICE, PLLC  
One West Fourth Street  
Winston-Salem, NC 27101  
Tel: (336) 721-3721  
Fax: (336) 733-8389

*Attorneys for Defendant R.J. Reynolds  
Tobacco Company, individually and as  
successor by merger to Brown & Williamson  
Tobacco Corporation*