

STATE OF MINNESOTA  
COUNTY OF RAMSEY

DISTRICT COURT  
SECOND JUDICIAL DISTRICT  
Case Type: Other Civil

THE STATE OF MINNESOTA,  
BY HUBERT H. HUMPHREY, III,  
ITS ATTORNEY GENERAL,

COURT FILE NO. C1-94-8565

and

BLUE CROSS AND BLUE SHIELD  
OF MINNESOTA,

Plaintiffs,

vs.

PHILIP MORRIS INCORPORATED,  
R.J. REYNOLDS TOBACCO COMPANY,  
BROWN & WILLIAMSON TOBACCO CORPORATION,  
B.A.T. INDUSTRIES P.L.C.,  
LORILLARD TOBACCO COMPANY,  
THE AMERICAN TOBACCO COMPANY,  
LIGGETT GROUP, INC.,  
THE COUNCIL FOR TOBACCO RESEARCH - U.S.A., INC., and  
THE TOBACCO INSTITUTE, INC.,

Defendants.

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PLAINTIFFS' FIRST SET OF REQUESTS FOR PRODUCTION  
OF DOCUMENTS TO LORILLARD TOBACCO COMPANY

TO: DEFENDANT LORILLARD TOBACCO COMPANY AND ITS ATTORNEYS.

PLEASE TAKE NOTICE that pursuant to Rule 34 of the Minnesota Rules of Civil Procedure, plaintiffs in the above-captioned action hereby demand that defendant Lorillard Tobacco Company produce all documents requested herein at a reasonable time, place, and manner to be agreed upon by the parties.

### INSTRUCTIONS

1. In responding to these requests, you are required to furnish all responsive documents that are in your possession, custody or control, including documents in the possession, custody or control of your officers, directors or employees and anyone else acting on your behalf or otherwise subject to your control, regardless of whether those documents are in personal files or company files or the files of a third party and regardless of the original source of the documents.
2. All documents shall be produced in accordance with the provisions of the Case Management Order dated March 29, 1995.
3. If any objection is made to part of a request, that part shall be specified.
4. Counsel for plaintiffs have become aware that Brown & Williamson Tobacco Corporation has in past litigation labeled as attorney-client and/or work product privileged documents which on their face are not privileged but which instead have been designated as such by Brown & Williamson Tobacco Corporation solely because such documents were selected for review by counsel as relevant to the defense of smoking and health litigation. See Deposition of J. Kendrick Wells, III, Maddox v. Williams, September 8, 1994. In the present litigation, all such documents as requested in this document request should be produced since such a claim of privilege clearly would be without merit. However, if your company insists on using such a practice in this litigation, at a minimum plaintiffs demand that such documents be identified

on a separate privilege log so that this issue may be presented to the Court in the most appropriate fashion.

5. All requests below which are underlined are hereby designated by plaintiffs as priority document requests pursuant to the Case Management Order.

#### DEFINITIONS

1. As used herein, "document" shall include every writing and record of every type and description (and all preliminary drafts thereof) including, but not limited to, reports, memoranda (including those of telephone and other oral communications), correspondence, telegrams, diaries, manuals, contracts, policies, agreements, handwritten and typed notes, statements, minutes, recordings, videotapes, press releases, transcripts and summaries of meetings, meeting agendas, voice recordings, photographs, drawings, tapes, printouts, studies, books, pamphlets, invoices, and every other device or medium by which or through which information is transmitted, recorded or preserved. For purposes of this particular request the term "document" shall not include raw data contained in laboratory notebooks and computerized data of laboratory research; provided, however, that this exclusion does not include reports, memoranda or summaries of such laboratory information. In addition, for purposes of this particular request the term "document" shall not include routine production or manufacturing records; provided, however, that this exclusion does not include reports, memoranda or summaries of such routine

production or manufacturing records. In addition, for purposes of this particular request the term "document" shall not include articles or materials published in the public domain by a person or entity which is not a defendant or an employee or officer of a defendant in the present case; provided, however, that this exclusion does not include reports, memoranda or summaries of such articles or materials.

2. As used herein, the term "your", "your company" or "your organization" refers to your present company or organization and all predecessors in interest. By way of example, and not limitation, the term Council for Tobacco Research shall also include Tobacco Industry Research Committee, its predecessor.

3. As used herein, the term "corporate affiliate" refers to any corporation with any common ownership or management to your company or organization.

4. As used herein, the term "trade group" refers to any and all organizations affiliated in any manner with any of the defendants in the present case whose organizational activities include any issues relating to smoking and health, including but not limited to the Council for Tobacco Research ("CTR") and the Tobacco Institute ("TI").

5. As used herein, the term "smoking and health" refers to any and all health effects which are related to smoking, or potentially or possibly related to smoking, and to the properties and effects, or potential or possible effects, of nicotine.

6. As used herein, the term "safer cigarette" refers to a cigarette which would, or would potentially or possibly, reduce the health risks of cigarettes.

7. As used herein, the term "research director" refers to the person with that designated title, or, if there is no such title at your company, the top scientist at your company or the person with the ultimate responsibility for scientific issues at your company.

8. As used herein, the term "nicotine level" refers to the levels or concentration of nicotine as measured in any manner, including but not limited to the level or concentration in tobacco or the level or concentration in smoke.

DOCUMENT REQUESTS

GENERAL CORPORATE, CORPORATE ORGANIZATION, ETC.

1. Documents which fairly and representatively describe, illustrate or depict all names, functions or organizational structures and lines of reporting and/or authority of departments, divisions or groups within your company which were involved in any manner in research on smoking and health from 1952 until the present.
  
2. Documents which fairly and representatively describe, illustrate or depict all names, functions or organizational structures and lines of reporting and/or authority of departments, divisions or groups within your company which were involved in any manner in advertising, marketing or promotion of cigarettes from 1952 until the present.
  
3. All documents generated by, prepared for, reviewed by or received by your board of directors or any executive committee, including but not limited to minutes of meetings, presentation materials and notes or memoranda kept by attendees, which relate or refer to issues of smoking and health or to the advertising, marketing or promotion of cigarettes.

4. All documents from the files of, authored by or sent to any member of your board of directors, any chief executive or chief executive officer of your company, any president of your company, any research director of your company or any member of any executive committee of your company which relate or refer to issues of smoking and health or to the advertising, marketing or promotion of cigarettes.

5. All documents relating or referring to communications to or from a corporate affiliate regarding smoking and health or the advertising, marketing or promotion of cigarettes.

6. All documents relating or referring to the establishment, formation or incorporation of the Council for Tobacco Research (or the Tobacco Industry Research Committee).

7. All documents relating or referring to the establishment, formation or incorporation of the Tobacco Institute.

8. All documents relating or referring to the establishment, formation or incorporation of any corporation or entity (other than the Council for Tobacco Research or the Tobacco Institute) which has or had any purpose relating to smoking and health or to the advertising, marketing or promotion of cigarettes, including but not limited to research or the warehousing, storage or organization of documents.

9. All documents relating or referring to your company's membership in or affiliation with any corporation or entity (other than the Council for Tobacco Research or the Tobacco Institute) which has or had any purpose relating to smoking and health or to the advertising, marketing or promotion of cigarettes, including but not limited to research or the warehousing, storage or organization of documents.

10. All documents relating or referring to the Literature Retrieval Division ("LRD").

11. All documents relating or referring to LS, Inc.

12. All documents relating or referring to a determination or decision of whether to conduct research involving smoking and health or research involving the advertising, marketing or promotion of cigarettes in any location outside of the United States.

13. All documents relating or referring to any communications with the United States Justice Department or any other defendant in this case regarding antitrust issues in the tobacco industry.

14. All documents relating or referring to corporate decisions regarding diversification in view of smoking and health issues.

15. All insurance policies which may afford coverage in the present case.

SALES AND PROFITS

16. All documents which summarize profits from cigarette sales in the United States for each year since 1952, by company and by the industry.

17. Documents which fairly and representatively summarize the sales of cigarettes (in terms of numbers of cigarettes or packs sold and in terms of dollars), by company and by the industry in the United States, for each year since 1900.

18. All documents which summarize (or from which it is possible to calculate) the sales and profits of cigarettes in the State of Minnesota for each year since 1952, by company and by the industry.

19. All documents which summarize the advertising, marketing and promotional expenditures for cigarettes, by company and by the

industry, for each year since 1900 in the United States and in the State of Minnesota.

20. Documents which fairly and representatively describe, illustrate or depict the market share for cigarettes, by company, for each year since 1952 in the United States and in the State of Minnesota.

#### DOCUMENTS

21. All documents relating or referring to the sending or transfer (or potential sending or transfer) of documents regarding smoking and health or the advertising, marketing or promotion of cigarettes from your company to a corporate affiliate or to a third party for any purpose, including but not limited to storage, warehousing, indexing or destruction.

22. All documents relating or referring to the destruction or the potential destruction of documents involving issues of smoking and health or the advertising, marketing or promotion of cigarettes.

23. All documents relating or referring to document destruction policies of your company, from 1952 to the present.

HEALTH CARE COSTS

24. All documents relating or referring to the issue of health insurance rates for smokers (or for smokers versus nonsmokers).

25. All documents relating or referring to health care costs for smokers (or for smokers versus nonsmokers).

GENERAL SMOKING AND HEALTH

26. All documents relating or referring to the establishment or maintenance or change of your publicly-stated position that it is not proven that smoking causes disease.

27. All documents relating or referring to the establishment or maintenance or change of your publicly-stated position that smoking (or nicotine) is not addictive.

28. All documents relating or referring to agreements, directives, discussions or recommendations regarding policies or positions on issues involving the health hazards of cigarettes.

29. All documents relating or referring to agreements, directives, discussions or recommendations regarding policies or

positions on issues involving the addictiveness of cigarettes (or nicotine).

30. All documents relating or referring to agreements, directives, discussions or recommendations involving the release, provision, withholding or suppressing of information on smoking and health to the public or to government authorities.

31. All documents relating or referring to agreements, directives, discussions or recommendations of attorneys (in-house or outside counsel) involving the release, provision, withholding or suppressing of information on smoking and health to the public or to government authorities.

32. All documents relating or referring to agreements, directives, discussions or recommendations to terminate or not undertake research on smoking and health.

33. All documents relating or referring to agreements, directives, discussions or recommendations of attorneys (in-house or outside counsel) to terminate or not to undertake research on smoking and health.

34. All documents relating or referring to the actions of attorneys (in-house or outside counsel) in directing, controlling or commissioning research on smoking and health.

35. All press releases issued by a defendant in the present case relating or referring to issues of smoking and health.

36. All public statements by a defendant in the present case relating or referring to issues of smoking and health.

37. All documents relating or referring to smoking and health or to the advertising, promotion or marketing of cigarettes exchanged or shared between your company and any of the following entities:

- a. Any other defendant in the present case;
- b. Hill & Knowlton;
- c. Ted Bates & Co.;
- d. Tiderock Corp.;
- e. Any tobacco or cigarette trade group or organization in England;
- f. Any tobacco or cigarette company in England;
- g. The Roper organization;
- h. Minnesota Candy and Tobacco Association;
- i. Minnesota Convenience Stores Association;
- j. Minnesota Grocers Association;
- k. Minnesota Smokers' Rights Coalition.

38. All documents relating or referring to the cessation of Hill & Knowlton's representation of the Council for Tobacco

Research, the Tobacco Institute or any other defendant in the present case.

GENERAL RESEARCH

39. All documents, including reports, notes, research, memoranda and evaluations, relating or referring to the biological activity of cigarettes which were written by or shared with any member of your board of directors, any chief executive or chief executive officer of your company, any president of your company, any research director of your company or any member of any executive committee of your company or any other defendant in the present case.

40. All documents, including reports, notes, research, memoranda and evaluations, relating or referring to the effects of carbon monoxide on smokers which were written by or shared with any member of your board of directors, any chief executive or chief executive officer of your company, any president of your company, any research director of your company or any member of any executive committee of your company or any other defendant in the present case.

41. All documents, including reports, notes, research, memoranda and evaluations, relating or referring to the relationship or potential or possible relationship between smoking

and cancer which were written by or shared with any member of your board of directors, any chief executive or chief executive officer of your company, any president of your company, any research director of your company or any member of any executive committee of your company or any other defendant in the present case.

42. All documents, including reports, notes, research, memoranda and evaluations, relating or referring to the relationship or potential or possible relationship between smoking and heart disease which were written by or shared with any member of your board of directors, any chief executive or chief executive officer of your company, any president of your company, any research director of your company or any member of any executive committee of your company or any other defendant in the present case.

43. All documents, including reports, notes, research, memoranda and evaluations, relating or referring to the relationship or potential or possible relationship between smoking and arteriosclerosis which were written by or shared with any member of your board of directors, any chief executive or chief executive officer of your company, any president of your company, any research director of your company or any member of any executive committee of your company or any other defendant in the present case.

44. All documents, including reports, notes, research, memoranda and evaluations, relating or referring to the relationship or potential or possible relationship between smoking and stroke which were written by or shared with any member of your board of directors, any chief executive or chief executive officer of your company, any president of your company, any research director of your company or any member of any executive committee of your company or any other defendant in the present case.

45. All documents, including reports, notes, research, memoranda and evaluations, relating or referring to the relationship or potential or possible relationship between smoking and emphysema which were written by or shared with any member of your board of directors, any chief executive or chief executive officer of your company, any president of your company, any research director of your company or any member of any executive committee of your company or any other defendant in the present case.

46. All documents, including reports, notes, research, memoranda and evaluations, relating or referring to the relationship or potential or possible relationship between smoking and chronic obstructive pulmonary disease which were written by or shared with any member of your board of directors, any chief executive or chief executive officer of your company, any president of your company, any research director of your company or any

