

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

Case Type: Other Civil

THE STATE OF MINNESOTA,

COURT FILE NO. C1-94-8565

BY HUBERT H. HUMPHREY, III,  
ITS ATTORNEY GENERAL,

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' FOURTH 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.

9. As used herein, the term "advertising, marketing or promotion" of cigarettes includes public relations activities involving smoking and health.

#### DOCUMENT REQUESTS

1. All pre-July 1969 print and electronic (radio and television) cigarette advertisements and promotions.

2. All documents which summarize where pre-July 1969 print and electronic cigarette advertisements and promotions were placed (i.e. media outlets).

Dated this 20<sup>th</sup> day of December 1995.

By Robert Wall  
ROBINS, KAPLAN, MILLER & CIRESI  
Michael V. Ciresi (#16949)  
Roberta B. Walburn (#152195)

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SPECIAL ATTORNEYS FOR THE STATE OF MINNESOTA  
AND  
ATTORNEYS FOR BLUE CROSS AND BLUE SHIELD OF MINNESOTA