

# If you are or were a cigarette smoker, and you are a resident of Louisiana: Read this class action notice. It affects your legal rights!

In the Civil District Court for the Parish of Orleans, State of Louisiana, Division K, Docket 4, (the "Court") a lawsuit is now pending titled Gloria Scott, et al., Plaintiffs v. The American Tobacco Company, Inc., et al., Defendants, Case No. 96-8461. If you fit the profile below, this Notice is directed to you to inform you of the lawsuit, the Court's decision to certify a Plaintiff Class (the "Class") as described below, the nature of the claims made and relief sought, and your right to exclude yourself from the Class.

## THE PLAINTIFF CLASS AND THE CLASS ACTION RULING.

On April 16, 1997, the Court ruled that this case should be maintained as a class action on behalf of the following Class of persons: *All Louisiana residents who are or who were smokers on or before May 24, 1996, of cigarettes manufactured by the defendants, who desire to participate in a program designed to assist them in the cessation of smoking and/or to monitor the medical condition of class members to ascertain whether they may be suffering from diseases caused by, contributed to, or exacerbated by the habit of cigarette smoking, provided the class member alleges that he or she commenced smoking before September 1, 1988 or that one or more defendants actively and intentionally engaged in a course of conduct designed to undermine or eliminate compliance with or attention to warnings on cigarette packaging. The defendants in this case are: American Brands, Inc., now known as Fortune Brands, Inc.; R. J. Reynolds Tobacco Company; R. J. Reynolds Tobacco Holdings, Inc., formerly known as RJR Nabisco, Inc.; Brown & Williamson Tobacco Corporation, individually and as successor by merger to The American Tobacco Company; Batus, Inc.; Batus Holdings, Inc.; Philip Morris Incorporated; Philip Morris Companies Inc.; Lorillard Tobacco Company and Lorillard, Inc.; Loews Corporation; United States Tobacco Company; UST Inc.; The Tobacco Institute, Inc.*

The Court appointed Gloria Scott and Deania M. Jackson to serve as representatives of the Class. The Court also appointed the following attorneys as Class Counsel: Wendell H. Gauthier, Esq., Gauthier, Downing, Labarre, Beiser & Dean; Russ M. Herman, Esq., Herman, Herman, Katz & Cotlar; John S. Keller, Esq.; Walter J. Leger, Jr., Esq., Leger & Mestayer; Stephen B. Murray, Sr., Esq., Murray Law Firm; Robert L. Redfearn, Esq., Simone, Peragine, Smith & Redfearn; and Michael X. St. Martin, Esq., St. Martin & Williams.

## THE PLAINTIFFS' CLAIMS AND THE DEFENDANTS' POSITION.

Plaintiffs allege that the defendants manufactured, promoted and sold cigarettes to the Class, while knowing, but denying and concealing, that their cigarettes are addictive, and have controlled and manipulated the delivery of nicotine in their cigarettes in order to create and sustain addiction to cigarettes. Plaintiffs seek on behalf of the Class the establishment of a fund for medical monitoring/cessation of smoking. Plaintiffs claim that this is equitable relief because damages for personal injury will not be awarded. The purpose of medical monitoring is to detect latent disease or injury, **not** to treat it. The class representatives are not seeking direct monetary sums. Class members are not entitled to monetary damages nor will they receive money for medical monitoring or cessation of smoking programs. The medical monitoring program will require class members to undergo tests over some period of time yet to be determined. The cessation of smoking programs may require participation in medically supervised programs designed to stop them from smoking. The defendants deny all allegations of wrongdoing and liability for damages. The defendants also deny that cigarettes are a defective product and further deny they manipulate the volume or delivery of nicotine in cigarettes to create or sustain an addiction.

Plaintiffs claim that participation in this class action will not bar monetary claims for personal injury. Defendants claim that participation in this class action will bar monetary claims for personal injuries.

The Court has not decided the merits of the plaintiffs' claims or defendants' defenses. Plaintiffs will be required to prove their claims at a trial set to begin on January 15, 2001.

## YOU MAY EXCLUDE YOURSELF FROM THE PLAINTIFF CLASS.

You have a choice whether or not to remain a member of the Class. To remain a member of the Class, you need not do anything at this time. As a Class member you may be required to provide some information to defendants. **If you do not exclude yourself ("opt out") from this class, you are part of this class and you will be bound by all judgments of the Court.** If Class Counsel obtains a judgment establishing a fund for medical monitoring/cessation of smoking, they may apply to the Court for payment of their reasonable attorneys' fees and costs to be paid by defendants, or out of any fund.

If you do not wish to remain a member of the Class, **you must exclude yourself** from the Class ("opt-out") by writing to the address below and expressly stating, in a letter postmarked by **August 7, 2000**, that you wish to be excluded from the Class. If you exclude yourself from the Class, you will not be entitled to participate in any medical monitoring/cessation of smoking programs established by any judgment obtained on behalf of the Class. You will not be bound by any Court orders or judgments, and you may pursue your claims with your own attorney at your own expense. PLEASE NOTE:

1. If you do **not** want to participate in a program designed to assist you in cessation of smoking and/or to monitor your medical condition to ascertain whether you may be suffering from diseases caused by, contributed to, or exacerbated by cigarette smoking, you are **not** a member of this class.

2. If you started smoking after September 1, 1988 and you do **not** claim that one or more of the defendant companies actively or intentionally engaged in a course of conduct designed to undermine or eliminate compliance with, or attention to warnings on cigarette packaging, you are **not** a member of this class.

3. If you are **not a member of this class** or if you **exclude yourself** ("opt out") from this class and you wish to pursue any claim you may have against one or more of the defendant companies, you must take timely legal steps to preserve and pursue your claims. It is **your responsibility** to contact an attorney of your choice to advise you of your legal rights or proceed otherwise.

## HOW TO EXCLUDE YOURSELF OR GET MORE INFORMATION.

To exclude yourself **you must write** to Scott v. American Tobacco, Special Master Dominic J. Gianna, Middleberg, Riddle & Gianna, 201 St. Charles Ave., 31st Floor, New Orleans, LA 70170-3100. To get more information, call the Special Master at 1-504-207-7307 or the toll free number 1-877-892-4493, or see the website at <http://www.lasmoker.com> PLEASE DO NOT CONTACT THE COURT OR THE CLERK OF COURT. By Order of the Court. Dated: February 24, 2000.

**If you fit the description below, this notice will affect your legal rights:**

**You are a member of the Class that this notice pertains to if each of the following statements is true:**

1. You are a Louisiana resident.
2. You are a smoker, or, you were a smoker on or before May 24, 1996.
3. You started smoking before September 1, 1988, or allege that one or more defendants actively and intentionally engaged in a course of conduct designed to undermine or eliminate compliance with or attention to warnings on cigarette packaging.
4. You desire to participate in a program designed to assist you in the cessation of smoking and/or to monitor your medical condition for diseases caused by, contributed to, or exacerbated by the habit of cigarette smoking.

**[www.lasmoker.com](http://www.lasmoker.com)  
1-877-892-4493**