

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 99-2496 (GK)
	:	
PHILIP MORRIS USA INC., et al.,	:	
	:	
Defendants.	:	

ORDER # 26 - Remand

The Court has now received from all Parties their responses to the Court’s request in its Order dated May 6, 2011 [Dkt. #5929], for their respective positions “on who, as between the Court in Minnesota and this Court, has jurisdiction to manage the Minnesota Depository.” The Court has concluded that it does have jurisdiction under Order #1015, and all Parties are in agreement. In addition, all Parties believe that it would be preferable for this Court, rather than the Minnesota Court, to exercise jurisdiction over the Depository.

During the last few months, the Court has had extended conversations with Judge John Guthmann, who has been overseeing the operations of the Minnesota Depository, as well as the two top administrators at the Depository, namely, Cindie Smart, who is the Administrator, and Carol Smith, who is the Depository’s General Manager. Judge Guthmann, who has had the burden of overseeing operations at the Depository, is in full agreement that this Court should take over that role and exercise jurisdiction over the Depository.

Parties have suggested that the Court appoint a Special Master or some other type of neutral to assist in supervising the Depository and to deal with procedural and substantive issues which may

arise. Based on conversations with Judge Guthmann, and the experienced and very competent staff at the Depository, the Court concludes that appointment of any outside neutral is not necessary at this point.

WHEREFORE, it is this 18th day of August, 2011, hereby

ORDERED, that, with the concurrence of Judge John Guthmann, of the Second Judicial District Court, County of Ramsey, State of Minnesota, this Court will exercise jurisdiction and supervision of the Minnesota Depository as of **September 15, 2011**; and it is further

ORDERED, that all existing Court Orders from the State Court in Minnesota, as well as the Minnesota Tobacco Document Depository General Procedures will remain in effect until further notice.

/s/

Gladys Kessler
United States District Court

Copies via ECF to all counsel of record