

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.	)	
	)	

**NOTICE OF THE UNIVERSITY OF CALIFORNIA—SAN FRANCISCO  
AGREEING TO BE SUBJECT TO CONSENT ORDER CONCERNING  
TOBACCO-DOCUMENT ACCESSABILITY**

In Orders #14-Remand and #15-Remand, the Court referred particular issues concerning defendants' document websites to mediation. Because of the University of California—San Francisco's (UCSF) expertise in the subject area, the United States and Public Health Intervenors consulted with UCSF staff during the course of the mediation sessions. Last week, Plaintiffs filed a proposed consent order with Philip Morris, Altria, and R.J. Reynolds, which the Court entered as Order #27-Remand (R. 5953; issued 12/15/11).

We understand that the Plaintiffs have now reached a similar agreement with Lorillard, which would include Lorillard's paying specified amounts of money to the Registry of the Court, which would then disburse the funds to UCSF to improve access to and the functionality of the Legacy Tobacco Documents Library.

We submit this Notice to certify that:

1. UCSF is aware of and consents to the terms that refer to the university in the (proposed) consent order;
2. UCSF voluntarily submits itself to the personal jurisdiction of the Court concerning any disputes about UCSF's obligations under the (proposed) consent order;
3. UCSF agrees to use the moneys disbursed to it by the Registry of the Court under the (proposed) consent order to improve access to and functionality of the Legacy Tobacco Documents Library, *e.g.*, through coding documents and providing enhanced search capabilities (with the understanding that the university may assess some percentage for indirect costs), and not for any other purpose.
4. As a condition for receipt of the payments provided under the (proposed) consent order, UCSF agrees to file through the ECF system, by December 31 of each year (beginning in 2012) and up to and including the final year in which these funds are spent, a certification confirming that these funds have been used only for the purposes described in Paragraph (3) and not for any other purpose.
5. UCSF agrees that if it spends any of these funds in a manner inconsistent with Paragraph (3), it will refund any such funds to the Registry of the Court.
6. UCSF understands that under the (proposed) consent order, it may allocate the monies received for the purposes specified in Paragraph (3) through December 31, 2025. UCSF will have until that date to spend all the funds provided by the (proposed) consent order, and agrees to continue filing annual certifications until all funds are spent. UCSF agrees that if any of the funds remain unspent by that date, it will refund any remaining funds to the Registry of the Court.

Dated: December 21, 2011

Respectfully submitted,

O'DONNELL, SCHWARTZ & ANDERSON, P.C.

/s/ Peter J. Leff

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California

**CERTIFICATE OF SERVICE**

The undersigned attorney hereby certifies that on December 21, 2011, he caused a copy of the foregoing Notice of the University Of California—San Francisco Agreeing to Be Subject to Consent Order Concerning Tobacco-Document Accessibility to be served by Electronic Mail on all parties that have entered an appearance in this matter.

/s/ Peter J. Leff