

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

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Civil Action No. 99-CV-2496 (PLF)
)	
)	
v.)	
)	
PHILIP MORRIS USA INC., <i>et al.</i> ,)	
)	
Defendants.)	
)	
)	

**CONSENT MOTION FOR SCHEDULING ORDER
AND
JOINT STATUS REPORT REGARDING CORRECTIVE STATEMENTS**

Pursuant to Order #71-Remand (Dkt. No. 6226; issued October 4, 2017), the parties respectfully submit this consent motion for a further scheduling order and joint status report regarding the Corrective Statements remedy.¹ Under the terms of Order #72-Remand (Dkt. No. 6227; issued October 5, 2017), the parties are proceeding with implementation of the corrective statements in newspapers and on television.

The parties continue to move forward toward the implementation of the corrective statements remedy in two other media channels, websites and onserts. As reported July 11, 2017, August 11, 2017, September 11, 2017, and October 2, 2017, the parties have made significant progress toward a (proposed) Consent Order that would include agreed-upon mockups for the websites and onserts in which the required Corrective Statements will appear.

¹ The parties are the United States and Public Health Intervenors (collectively “Plaintiffs”); Philip Morris USA Inc., Altria Group, Inc., and R.J. Reynolds Tobacco Company (individually, as successor in interest to Brown & Williamson Tobacco Corporation, and as successor to Lorillard Tobacco Company) (collectively “Defendants”); and ITG Brands, LLC, Commonwealth Brands, Inc., and Commonwealth-Altadis, Inc. (collectively “Remedies Parties”).

Based on past progress and the parties' time estimates for completing the outstanding items as set forth below, the parties seek additional time to file a (proposed) Consent Order package for websites and onserts. Accordingly, the parties move the Court to enter the attached (proposed) scheduling order giving the parties until November 17, 2017 to submit a (proposed) Consent Order package for websites and onserts, or further status report if particular matters have yet to be resolved.

As required by Order #71-Remand, the following are "the particular matters that have yet to be resolved and specific time estimates to complete or resolve each of them."

A. Media channels

Two media channels remain at issue here: websites and onserts.

1. Onserts. The parties continue to exchange comments on onsert mockups, and estimate that remaining onsert issues will be resolved by Friday, November 10, 2017.
2. Company websites. The parties are tentatively exploring having Defendants and the Remedies Parties prepare new company website mockups only for "Phase 1" (years 1 through 5). To date, Defendants have provided Plaintiffs with drafts of every "Phase 1" website mockup that the parties expect to submit with the (proposed) Consent Order, and Plaintiffs have provided feedback on all those drafts. Defendants have provided revised mockups for the majority of covered websites in response to Plaintiffs' feedback and expect to provide additional revised mockups addressing Plaintiffs' concerns. Plaintiffs have provided feedback on the majority of the revised websites. The parties have reached agreement on four website mockups to date, including one or more from each of Philip Morris USA, RJRT, and ITG Brands. The technical and time-consuming process of updating website mockups makes it difficult

to estimate a completion date, but the parties will continue to work diligently to resolve as many outstanding issues as possible by November 17, 2017.

B. Ensuring prompt implementation

The parties are committed to implementing the corrective statements remedy for websites and onserts as expeditiously as possible consistent with ordinary commercial practices. The timing of implementation will be included in the (proposed) Consent Order for websites and onserts that the parties submit on November 17, 2017, or such later date if all the outstanding issues described above are not resolved by then.

The parties respectfully move the Court to enter the attached (proposed) scheduling order, requiring the parties to file by November 17, 2017, a (proposed) Consent Order for websites and onserts or a further status report.

Dated: October 23, 2017

Respectfully submitted,

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*Attorney for the Public Health Plaintiff-
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on October 23, 2017, I filed a copy of the foregoing, which will electronically serve all counsel of record who have entered an appearance in this case.

Dated: October 23, 2017

Respectfully submitted,

/s/ Anand Agneshwar

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