

**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 #74-Remand (Dkt. No. 6234; issued November 20, 2017), the parties respectfully submit this consent motion for a further scheduling order and joint status report regarding the Corrective Statements remedy.<sup>1</sup> Under the terms of Order #72-Remand (Dkt. No. 6227; issued October 5, 2017), the parties have begun 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, October 2, 2017, October 23, 2017, and November 17, 2017, the parties have made significant progress toward a (proposed) Consent Order that

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<sup>1</sup> 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”).

would include agreed-upon mockups for the websites and onserts in which the required Corrective Statements will appear. The parties continue to work on those issues in good faith.

As to onsert mockups, all onserts for Philip Morris USA Inc. have been approved. Before the November 17, 2017, joint status report, the parties had narrowed their discussions about onserts for R.J. Reynolds Tobacco Company and ITG Brands, LLC to one discrete issue. The parties estimate that remaining onsert issues will be resolved by Friday, January 5, 2018.

As to websites, as previously reported, 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 and the Remedies Parties have provided Plaintiffs with multiple iterations of website mockups, which Defendants and the Remedies Parties have revised based on Plaintiffs’ comments. By Plaintiffs’ calculations, Plaintiffs have so far responded to some 38 new mockups. Of these, Plaintiffs have accepted 6 revised website mockups in their entirety, and have agreed in part or conditionally to 4 other mockups (two of which were for the same website). The dispute is largely narrowed to mockups for 5 specific websites for individual cigarette brands. The parties will continue to work diligently to resolve as many outstanding issues as possible by January 11, 2018.

The parties remain 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 January 12, 2018, or such later date if all the outstanding issues described above are not resolved by then.

Accordingly, the parties respectfully move the Court to enter the attached (proposed) scheduling order, requiring the parties to file by January 12, 2018, a (proposed) Consent Order for websites and onserts or a further status report.

Dated: December 15, 2017

Respectfully submitted,

/s/ Anand Agneshwar

Anand Agneshwar  
ARNOLD & PORTER KAYE SCHOLER  
LLP  
250 West 55th Street  
New York, NY 10019-9710  
Telephone: (212) 836-8011  
Fax: (212) 836-8689

Miguel A. Estrada (D.C. Bar No. 456289)  
GIBSON, DUNN & CRUTCHER LLP  
1050 Connecticut Avenue, N.W.  
Washington, D.C. 20036-5306  
Telephone: (202) 955-8257  
Fax: (202) 530-9016

*Attorneys for Defendants Altria Group, Inc.  
and Philip Morris USA Inc.*

Peter J. Biersteker (D.C. Bar No. 358108)  
JONES DAY  
51 Louisiana Avenue, N.W.  
Washington, D.C. 20001-2113  
Telephone: (202) 879-3939  
Fax: (202) 626-1700

Jeffrey A. Mandell (D.C. Bar No. 999791)  
STAFFORD ROSENBAUM LLP  
222 West Washington Avenue, Suite 900  
Madison, Wisconsin 53703  
Telephone: (608) 256-0226  
Fax: (608) 259-2600

Geoffrey K. Beach (D.C. Bar No. 439763)  
WOMBLE CARLYLE SANDRIDGE &  
RICE, LLP  
One West Fourth Street  
Winston-Salem, NC 27101  
Telephone: (336) 721-3600  
Fax: (336) 721-3660

*Attorneys for Defendant R.J. Reynolds  
Tobacco Company (individually, as  
successor in interest to Brown & Williamson  
Tobacco Corporation, and as successor to  
Lorillard Tobacco Company)*

Robert J. Brookhiser, Jr. (D.C. Bar No.  
202168)  
Elizabeth B. McCallum (D.C. Bar No.  
451361)  
BAKER & HOSTETLER LLP  
1050 Connecticut Avenue, N.W.  
Washington, D.C. 20036-5304  
Telephone: (202) 861-1500  
Fax: (202) 861-1783

*Attorneys for Post-Judgment Parties  
Regarding Remedies ITG Brands, LLC,  
Commonwealth Brands, Inc. and  
Commonwealth-Altadis, Inc.*

JILL FURMAN, Deputy Director  
ANDREW CLARK, Assistant Director  
Consumer Protection Branch

\_\_\_\_\_/s/\_\_\_\_\_  
DANIEL K. CRANE-HIRSCH  
Trial Attorney  
Civil Division  
United States Department of Justice  
PO Box 386  
Washington, DC 20044-0386  
Telephone: 202-616-8242 (Crane-Hirsch)  
Facsimile: 202-514-8742  
[daniel.crane-hirsch@usdoj.gov](mailto:daniel.crane-hirsch@usdoj.gov)



**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on December 15, 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: December 15, 2017

Respectfully submitted,

/s/ Anand Agneshwar

Anand Agneshwar

ARNOLD & PORTER KAYE SCHOLER  
LLP

250 West 55th Street

New York, NY 10019-9710

Telephone: (212) 836-8011

Fax: (212) 836-8689

*Attorney for Defendants*

*Altria Group, Inc. and Philip Morris USA  
Inc.*