



IN THE CIRCUIT COURT OF OHIO COUNTY, WEST VIRGINIA

IN RE: TOBACCO LITIGATION
(Individual Personal Injury Cases)

CIVIL ACTION NO. 00-C-5000
(Judge Arthur M. Recht)

THIS DOCUMENT APPLIES TO ALL CASES

ORDER DENYING LIGGETT GROUP LLC'S MOTION FOR
JUDGMENT AS A MATTER OF LAW

Defendant Liggett Group LLC ("Liggett") moved for judgment as a matter of law based upon the doctrines of collateral estoppel, *res judicata* and law of the case.

Having reviewed Liggett's Motion for Judgment as a Matter of Law and Memorandum to Address the Application of Collateral Estoppel and Related Issues in Response to the Court's June 23, 2015 Order and in Support of Liggett's Motion for Judgment as a Matter of Law (hereafter, the "Motion for Judgment as a Matter of Law"), Plaintiffs' Opposition to Liggett's Motion for Judgment as a Matter of Law, Liggett's Reply Memorandum, and Plaintiffs' Sur-Reply, and all the papers and exhibits related thereto, and having heard arguments of counsel during the hearing on May 23, 2016, Defendant Liggett's Motion for Judgment as a Matter of Law is DENIED without prejudice to be raised again later in the proceedings. As this Court stated during the May 23, 2016 hearing, this order is subject to reconsideration later in the pretrial proceedings as may be appropriate.

Within 60 days of the date of this order, the parties are to submit a proposed trial plan for discovery and pretrial proceedings for a Phase I trial as against Defendant Liggett Group LLC.

It is so ORDERED.

ENTER: June 14, 2016.

/s/ Arthur M. Recht
Senior Status Judge
Tobacco Litigation

Presented by:

/s/ Kenneth B. McClain
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