

Missouri Circuit Court, Twenty-Second Judicial Circuit (City of St. Louis)

If you lived in Missouri and bought Marlboro Lights Cigarettes between February 14, 1995 and December 31, 2003

This class action may affect your rights.

A court authorized this notice. This is not a solicitation from a lawyer

- Consumers in the State of Missouri have filed a class action lawsuit against Philip Morris USA, Inc. (formerly Philip Morris Incorporated) (“Defendant”). Altria Group, Inc. was a defendant in the lawsuit but was dismissed by agreement of the parties on July 27, 2010.
- The lawsuit claims the Defendant misled people about the amount of tar and nicotine delivered to smokers by Marlboro Lights cigarettes, and about the dangers of Marlboro Lights cigarettes.
- A class action lawsuit is a lawsuit brought by a few people (the “Class Representatives”) on behalf of a larger group of people who have similar claims. The Court has allowed this lawsuit to proceed as a class action. You are a member of the Class if you lived in Missouri between February 14, 1995 and December 31, 2003 and you purchased and consumed Marlboro Light cigarettes in Missouri during that time. The Class does not include people who have filed a claim for personal injury resulting from purchase or consumption of cigarettes.
- The Court has not decided whether the Defendant did anything wrong. There is no money available now and no guarantee there will be. However, your rights are affected and you have a choice to make now.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT:	
DO NOTHING AND STAY IN THE LAWSUIT	<p>Stay in this lawsuit. Await the outcome. Share in possible benefits. Give up certain rights.</p> <p>By staying in the lawsuit, you keep the possibility of getting money that may come from a trial or a settlement. But, you give up any rights to sue the Defendant on your own in the future about the same legal claims in this lawsuit.</p>
ASK TO BE EXCLUDED	<p>Get out of the lawsuit. Get no benefits from it. Keep rights.</p> <p>If you ask to be excluded and money is later awarded, you won't share in those. But, you keep any rights to sue the Defendant on your own about the same legal claims in this lawsuit.</p>

- Lawyers must prove the claims against the Defendant at a trial set to start on September 6, 2011. If money is obtained from the Defendant, you will be notified about how to ask for a share.
- These options are explained in this Notice. To exclude yourself, you must act by August 23, 2011. **See Question 14.**

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Basic Information

1. Why was this Notice issued?

This Notice explains that a Court has allowed, or “certified,” this case as a class action lawsuit that may affect you if you bought Marlboro Lights cigarettes between the dates of February 14, 1995 and December 31, 2003. If this describes you, you have certain choices to make before the Court decides whether the claims being made against the Defendant, on your behalf, are correct.

Judge Michael David, of the Missouri Circuit Court, Twenty-Second Judicial Circuit, is overseeing the case, known as *Craft, et al. v. Philip Morris Companies, Inc., et al.*, Cause No. 002-00406-02.

2. What is this lawsuit about?

The lawsuit concerns two principal issues:

- (1) Whether the Defendant misled people about the amount of tar and nicotine they would receive from smoking Marlboro Lights cigarettes and about the dangers of smoking Marlboro Lights cigarettes versus regular cigarettes; and
- (2) Whether people overpaid for Marlboro Lights as a result of Defendant’s alleged misrepresentations.

Plaintiffs seek money damages related to the purchase of Marlboro Lights cigarettes and punitive damages. This case does not seek to recover for personal injury or addiction.

3. What is a class action and who is involved?

In a class action, one or more people called “class representatives” sue on behalf of all people who have similar claims. The people together are a “class” or “class members.” The people who sued—and all class members like them—are called the “plaintiffs.” The company they are suing – in this case, Philip Morris USA Inc. (formerly known as Philip Morris Incorporated) is called the “defendant.” One court resolves the issues for all class members, except for those who exclude themselves from the class.

4. Why is this lawsuit a class action?

The Court decided that this lawsuit could move toward a trial as a class action because it meets the requirements of Missouri Rule of Civil Procedure 52.08, which governs class actions in Missouri state court. For instance, the Court found that:

- The class is comprised of so many individuals that class treatment is appropriate;
- There are legal questions and facts that are common to each of the class members;
- The common legal and factual questions predominate over issues that are specific to individual class members;

- The class representatives' claims are typical of the claims of the rest of the class;
- The class representatives and the lawyers representing the class will fairly and adequately represent the interests of the class; and
- This class action will be more efficient than having many individual lawsuits.

More information about why the Court is allowing this lawsuit to be a class action is in the [Class Certification Rulings](#), which you may view at www.MOCigaretteCase.com.

5. What does the lawsuit claim?

In the lawsuit the Plaintiffs claim that the Defendant violated the Missouri Merchandising Practices Act by knowingly misleading people about amount of tar and nicotine delivered by Marlboro Lights cigarettes and about the dangers of smoking Marlboro Lights cigarettes versus regular cigarettes.

Plaintiffs claim that Defendant did so through advertising and other marketing that convinced smokers that Marlboro Lights cigarettes delivered to smokers less tar and nicotine and were, therefore, less harmful than regular cigarettes, when in fact Marlboro Lights cigarettes are at least as dangerous as regular cigarettes.

As a result, the lawsuit says people paid more for Marlboro Lights cigarettes than they otherwise would have. You can read the Plaintiffs' [First Amended Class Action Petition](#), which explains the claims at www.MOCigaretteCase.com.

6. How does the Defendant answer?

The Defendant denies the claims and allegations in the lawsuit and that the Plaintiffs are entitled to damages. The Defendant denies they committed any fraud or otherwise violated the law. Defendant claims that the actual tar and nicotine delivered by Marlboro Lights depends on how people smoke and the reasons why Class Members chose Marlboro Lights vary from person to person. Defendant also says that it has various defenses. The Defendant's [Answer to First Amended Class Action Petition](#) can be viewed at www.MOCigaretteCase.com.

7. Has the Court decided who is right?

The Court has not decided whether the Plaintiffs or the Defendant are right. By establishing the Class and ordering that this Notice be provided, the Court is not suggesting the Plaintiffs will win or lose this case. The lawyers for the Plaintiffs must prove their case at a trial currently set to begin on September 6, 2011.

8. What are the Plaintiffs asking for?

The Plaintiffs want to recover the amounts they say Class Members overpaid for Marlboro Lights cigarettes. They are also asking for punitive damages (damages in excess of what consumers paid for purposes of punishment), attorneys' fees and costs.

9. Is there any money available now?

No money is available now because a jury has not yet decided whether the Defendant did anything wrong. There is no guarantee that money will ever be obtained. If it is, notice will be provided about how to file a claim.

Who Is In The Class

You need to decide whether you are affected by this lawsuit.

10. Am I part of this Class?

Judge David decided that Class Members include, with certain exceptions, all residents of the state of Missouri who purchased and consumed Defendant's Marlboro Lights cigarettes in Missouri between February 14, 1995 and December 31, 2003 but who have not filed a claim for personal injury resulting from purchase or consumption of cigarettes.

11. Are there exceptions to being included?

The Court decided that claims for personal injury or addiction cannot be included in this action. Therefore, the Class does not include people who have filed a claim for personal injury resulting from purchase or consumption of Marlboro Lights cigarettes. Directors and officers of the Defendant or its affiliate corporations are not included in this class action. Also excluded is any trial judge that may preside over this action.

12. I'm still not sure if I am included.

If you are still not sure whether you are included, you can visit the website www.MOCigaretteCase.com, call toll free 1-877-740-6998, or write to Rust Consulting, PO Box 2299, Faribault, MN 55021-2434, for more information.

Your Rights And Options

You have to decide whether to stay in the Class or whether to exclude yourself before the trial, and you have to decide this by **August 23, 2011**.

13. What happens if I do nothing at all?

By doing nothing, you are staying in the Class. You don't have to do anything now if you want to keep the possibility of getting money from this lawsuit. If you stay in and the Plaintiffs obtain money either as a result of the trial or a settlement, notice will be provided to explain how to apply for a share.

Keep in mind that if you do nothing now, regardless of whether the Plaintiffs win or lose the trial, you will not be able to sue, or continue to sue, the Defendant—as part of any other

lawsuit—about the same legal claims that are the subject of this lawsuit. You will also be legally bound by all of the orders the Court issues and judgments the Court makes in this class action. Note that even if you do nothing you may keep any rights you have to sue the Defendant for future personal injuries.

14. What happens if I ask to be excluded from the Class?

If you exclude yourself from the Class—sometimes called “opting-out” of the Class—you won’t get any money from this lawsuit even if the Plaintiffs obtain any as a result of the trial between the Defendant and the Plaintiffs. However, you will keep the rights to sue or continue to sue the Defendant about the same legal claims that are involved in this case, now or in the future. If you exclude yourself, you will not be legally bound by the Court’s judgments in this class action.

If you start your own lawsuit against the Defendant after you exclude yourself, you may have to hire and pay your own lawyer to prove your claims in that suit. If you do exclude yourself so you can start or continue your own lawsuit against the Defendant, you should talk to your own lawyer soon, in case your claims are subject to a statute of limitations

15. How do I ask to be excluded?

To ask to be excluded, you must send an “Exclusion Request” in the form of a letter sent by mail, stating that you want to be excluded from *Craft, et al. v. Philip Morris Companies, Inc., et al.* Be sure to include your name and address, then sign and date the letter. You must mail your Exclusion Request postmarked by **August 23, 2011**, to: Rust Consulting, PO Box 2299, Faribault, MN 55021-2434.

The Lawyers Representing You

16. Do I have a lawyer in this case?

The law firms of Swedlow & Associates, Korein Tillery, Quinn Emanuel Urquhart & Sullivan and Newman Bronson & Wallis are counsel representing the Class in this case. Together, the law firms are called “Class Counsel.” More information about these law firms, their practices, and their lawyers’ experience is available at www.swedlow.org; www.koreintillery.com; www.quinnemanuel.com; and www.newmanbronson.com. These lawyers are experienced in handling similar cases. Complete contact information for these firms can be found at www.MOCigaretteCase.com.

17. Should I get my own lawyer?

You do not need to hire your own lawyer because Class Counsel are working on your behalf. But, if you want your own lawyer, you may hire one at your own expense. You can ask him or her to appear in Court for you in this case if you want someone other than Class Counsel to speak for you.

18. How will the lawyers be paid?

If Class Counsel obtains money for the Class, they may ask the Court for fees and expenses. You will not have to pay any of these fees and expenses. If the Court grants their request, the fees and expenses would be deducted from any money obtained for the Class, or paid separately by the Defendant.

The Trial

The Court has scheduled a trial to decide who is right in this case.

19. How and when will the Court decide who is right?

If the case is not dismissed, Class Counsel will have to prove the Plaintiffs' claims at a trial. The trial is set to begin on **September 6, 2011** at the Missouri Circuit Court, Twenty-Second Judicial Circuit, 10 North Tucker Boulevard, St. Louis, Missouri. The date may change so check the website or call 1-877-740-6998 to be kept informed of the trial schedule. During the trial, a jury will hear all of the evidence in order to reach a decision about whether the Plaintiffs or the Defendant are right about the claims in the lawsuit. There is no guarantee that the Plaintiffs will win, or that they will get any money for the Class.

20. Do I have to come to the trial?

You will not need to attend the trial. Class Counsel will present the case for the Plaintiffs, and the lawyers for the Defendant will present the defenses. You and/or your own lawyer are welcome to appear in this case, at your own expense.

21. Will I get money after the trial?

If the Plaintiffs obtain money as a result of the trial, notice will be provided about how to ask for a share or what your other options are at that time. These things are not known right now. Court orders and other important information about the case will be posted on the website, www.MOCigaretteCase.com, as they become available. You can access the website, whether you stay in the lawsuit or exclude yourself, to obtain current information about this case.

Getting More Information

22. Are more details available?

Visit the website at www.MOCigaretteCase.com, where you will find the Court's Class Certification Ruling, the Plaintiffs' First Amended Class Action Petition, the Defendant's Answer to Petition, and other information. You may also call toll-free 1-877-740-6998 for more information, or write to Rust Consulting, PO Box 2299, Faribault, MN 55021-2434.