

Liggett from disclosing documents and information as required by the Attorneys General Settlement Agreement. *See*, Temporary Restraining Order. On March 21, 1997, Defendants R. J. Reynolds Tobacco Company, Brown & Williamson Tobacco Corporation, Lorillard Tobacco Company and Philip Morris Incorporated sought, and were granted, a further order regarding the documents and information pertinent to the Settlement Agreement. This Order requires Liggett to retrieve all copies of all documents subject to the TRO and deposit them with the Superior Court of Forsyth County, North Carolina by Monday, March 24, 1997, at 5:00 p.m. *See*, March 21, 1997, Order.

4. The actions of Defendants R. J. Reynolds Tobacco Company, Brown & Williamson Tobacco Corporation, Lorillard Tobacco Company and Philip Morris Incorporated attempt to seriously interfere and infringe on the jurisdiction of this Court, undermine this Court's previous Orders, and impair this Court's power to effectively manage and decide the above-captioned action.

5. Given the North Carolina court's Order to retrieve all copies of all documents subject to the TRO and deposit them into that court by Monday, March 24, 1997, at 5:00 p.m. E.S.T., the State requests this Court to conduct an emergency hearing to determine whether the State's Motion for Temporary Restraining Order should be granted. If this Motion for Emergency Hearing is not granted, the matters at issue will become moot at 5:00 p.m. E.S.T. today and this Court will have been effectively deprived of its jurisdiction to determine matters properly before it.

WHEREFORE premises considered, the State of Texas respectfully requests that this Court schedule and hold an emergency hearing on the State's Motion for Temporary Restraining Order at a time sufficiently in advance of 5:00 p.m. E.S.T. to determine whether the motion should be granted.

Respectfully submitted:

DAN MORALES
ATTORNEY GENERAL OF TEXAS
Texas Bar No.: 14417450

JORGE VEGA

First Assistant Attorney General
Texas Bar No.: 20533800

JAVIER AGUILAR

Special Assistant Attorney General
Texas Bar No.: 00936300

TOM PERKINS

Special Assistant Attorney General
Texas Bar No.: 15790850

HARRY G. POTTER III

Special Assistant Attorney General
Texas Bar No.: 16175300
P. O. Box 12548
Capitol Station
Austin, Texas 78711-2548
512.463.2191
512.463.2063 Fax

WALTER UMPHREY, P.C.

490 Park
P. O. Box 4905
Beaumont, Texas 77074
409.835.6000
409.838.8888 Fax
Texas Bar No.: 20380000
ATTORNEY-IN-CHARGE

GRANT KAISER

KAISER & MORRISON, P.C.

Suite 1440 Lyric Centre
440 Louisiana Street
Houston, Texas 77002-1634
713.223.0000
713.223.440 Fax
State Bar No.: 11078900

By: _____

Grant Kaiser, by permission of Walter
Umphrey, Attorney-in-Charge

CERTIFICATE OF SERVICE

I hereby certify compliance with Fed. R. Civ. P. 5 and Case Management Order of November 5, 1996, that a true a correct copy of the foregoing document has been sent by hand delivery on March 24, 1997, to the following:

ADMINISTRATIVE LIAISON COUNSEL FOR ALL DEFENDANTS:

Howard Waldrop
Atchley, Russell, Waldrop & Hlavinka, L.L.P.
1710 Moores Lane
P. O. Box 5517
Texarkana, TX 75505-5517
903.792.8246
903.792.5801 Fax

Respectfully submitted,

Grant Kaiser

