

**FOR PUBLICATION**  
**UNITED STATES COURT OF APPEALS**  
**FOR THE NINTH CIRCUIT**

LESLIE J. GRISHAM,  
*Plaintiff-Appellant,*

v.

PHILIP MORRIS U.S.A., a  
 corporation; BROWN & WILLIAMSON  
 TOBACCO COMPANY CORP.,  
 individually and as successor to  
 the American Tobacco Company  
 and its predecessor in interest,  
 British American Tobacco  
 Industries, PLC,  
*Defendants-Appellees.*

No. 03-55780  
 D.C. No.  
 CV-02-07930-SVW

Appeal from the United States District Court  
 for the Central District of California  
 Stephen V. Wilson, District Judge, Presiding

MARIA CANNATA,  
*Plaintiff-Appellant,*

v.

PHILIP MORRIS USA, INC., aka  
 Philip Morris; BROWN &  
 WILLIAMSON TOBACCO  
 CORPORATION,  
*Defendants-Appellees.*

No. 03-56018  
 D.C. No.  
 CV-02-08026-ABC  
 ORDER

Appeal from the United States District Court  
 for the Central District of California  
 Audrey B. Collins, District Judge, Presiding

Argued and Submitted  
December 10, 2004—San Francisco, California

Filed April 3, 2007

Before: Jerome Farris, Dorothy W. Nelson, and  
Ronald M. Gould, Circuit Judges.

Per Curiam Order

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### COUNSEL

Martin Louis Stanley, Santa Monica, California, for plaintiff-appellant Maria Cannata.

Frances M. Phares, Baum Hedlund, PC, Los Angeles, California; Daniel U. Smith, Law Office of Daniel U. Smith, Kentfield, California, for plaintiff-appellant Leslie J. Grisham.

Murry R. Garnick, Arnold & Porter, LLP, Washington, D.C.; Maurice A. Leiter, Arnold & Porter, LLP, Los Angeles, California; Daniel P. Collins, Munger Tolles & Olson, LLP, Los Angeles, California; Fred D. Heather, Amy W. Schulman, DLA Piper, LLP, Los Angeles, California; Sheila B. Schuerman, Temple University School of Law, Philadelphia, Pennsylvania, for defendant-appellee Philip Morris.

Paul Crist, Jones Day, Cleveland, Ohio; Peter N. Larson, Jones Day, San Francisco, California, for defendant-appellee Brown & Williamson.

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### ORDER

PER CURIAM:

In light of the California Supreme Court's decision in *Grisham v. Philip Morris USA, Inc.*, \_\_\_ Cal. Rptr. 3d \_\_\_,

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No. S132772, 2007 WL 473678 (Cal. Feb. 15, 2007), and in light of the Joint Report of the Parties Re: Decision of the California Supreme Court on the Certified Questions, the judgments of the district court are **VACATED** and we **REMAND** to the district court for further proceedings consistent with the opinion of the California Supreme Court.

In light of the Joint Report of the Parties Re: Decision of the California Supreme Court on the Certified Questions, we also **VACATE** our previous order of March 16, 2007 calling for supplemental briefing from the parties in *Cannata v. Philip Morris*, 03-56018.

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