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8 [Additional Counsel Listed on Signature Page]  
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10 UNITED STATES DISTRICT COURT  
 11 NORTHERN DISTRICT OF CALIFORNIA  
 12 OAKLAND DIVISION  
 13

<p>14 NIKKI POOSHS,          15 Plaintiff,          16 vs.          17 ALTRIA GROUP, INC., <i>et al.</i>          18 Defendants.</p>	<p>) Case No. C 04-01221-PJH-JCS          )          ) <b>STIPULATION REGARDING PRIOR</b>          ) <b>CORPORATE REPRESENTATIVE</b>          ) <b>DEPOSITION TRANSCRIPTS</b></p>
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 21 Pursuant to Civil L.R. 6-2 and 7-12, Plaintiff Nikki Pooshs (“Plaintiff”) and Defendants  
 22 Philip Morris USA Inc., R.J. Reynolds Tobacco Company, Lorillard Inc., Lorillard Tobacco  
 23 Company, and Hill and Knowlton, Inc., (“Defendants”) (collectively “the Parties”) hereby stipulate  
 24 and agree as follows:

25 1. Defendants Philip Morris USA Inc., R.J. Reynolds Tobacco Co., and Lorillard  
 26 Tobacco Company have produced or will produce transcripts of the following prior corporate  
 27 representative depositions to Plaintiff’s counsel in this action:  
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- 1 a. Peter J. Lipowicz, on behalf of Defendant Philip Morris USA Inc., taken on  
2 October 12-14 and December 20, 2011, in the *Mary Brown Engle* progeny case  
3 pending in Duval County, Florida, sent to Plaintiff's counsel on February 17,  
4 2012;
- 5 b. Jeanne V. Bonhomme, on behalf of Defendant Philip Morris USA Inc., taken on  
6 October 3-5 and December 15, 2011 in the *Mary Brown Engle* progeny case  
7 pending in Duval County, Florida, sent to Plaintiff's counsel on February 17,  
8 2012;
- 9 c. Dr. James Figlar, on behalf of Defendant R.J. Reynolds Tobacco Co., taken on  
10 June 8-10, August 11-12, and August 15-16, 2011, in the *Mary Brown Engle*  
11 progeny case pending in Duval County, Florida, sent to Plaintiff's counsel on  
12 February 17, 2012;
- 13 d. Dr. Christopher John Cook, on behalf of Defendant R.J. Reynolds Tobacco Co.,  
14 taken on July 21-22, July 28, and August 17, 2011, in the *Mary Brown Engle*  
15 progeny case pending in Duval County, Florida, sent to Plaintiff's counsel on  
16 February 17, 2012;
- 17 e. Dr. Christopher John Cook, on behalf of Defendant R.J. Reynolds Tobacco Co.,  
18 taken on September 30, 2011, in the *Halgren Engle* progeny case pending in  
19 Highlands County, Florida, not yet sent to Plaintiff's counsel;
- 20 f. Dr. Christopher John Cook, on behalf of Defendant R.J. Reynolds Tobacco Co.,  
21 taken on February 26-27, 2009, in the Gray and *Martin Engle* progeny case,  
22 Escambia County, Florida, not yet sent to Plaintiff's counsel;
- 23 g. Mr. John Brice O'Brien, on behalf of Defendant R.J. Reynolds Tobacco Co.,  
24 taken on June 30, July 1, August 2-4, and August 18, 2011, in the *Mary Brown*  
25 *Engle* progeny case pending in Duval County, Florida, sent to Plaintiff's counsel  
26 on February 17, 2012;
- 27  
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- 1 h. Edward A. Robinson, on behalf of Lorillard Tobacco Company, taken on March  
2 9, 2011 in the *Tullo v. R.J. Reynolds Tobacco Co.* pending in Palm Beach County,  
3 Florida, sent to Plaintiff's counsel on February 23, 2012;
- 4 i. Edward A. Robinson, on behalf of Lorillard Tobacco Company, taken on October  
5 29, and November 10, 2010, in the *Sulcer Engle* progeny case pending in  
6 Escambia County, Florida, not yet sent to Plaintiff's counsel;
- 7 j. Victor D. Lindsley, on behalf of Lorillard Tobacco Company, taken on March 10,  
8 2011 in the *Tullo v. R.J. Reynolds Tobacco Co.* pending in Palm Beach County,  
9 Florida, sent to Plaintiff's counsel on February 23, 2012; and
- 10 k. Kristy Leung, on behalf of Lorillard Tobacco Company, taken on February 3, and  
11 February 4, 2011, in the *Sulcer Engle* progeny case pending in Escambia County,  
12 Florida, not yet sent to Plaintiff's counsel.

13 2. The Parties stipulate that the testimony in the above transcripts will be treated as if  
14 the depositions in which they were taken had been convened in this action. Other than objections as  
15 to form, the Parties reserve and do not waive any other objections to the admissibility at trial of any  
16 testimony in these transcripts.

17 3. By entering into this stipulation, the Plaintiff intends in no way to limit her rights to  
18 offer and/or introduce any evidence at time of trial, including but not limited to, transcripts of prior  
19 testimony and associated documentary evidence of present or former employees of Defendants,  
20 subject only to and in accord with the Federal Rules of Civil Procedure, Federal Rules of Evidence,  
21 or any other applicable statute or regulation. Conversely, Defendants hereby specifically reserve  
22 their rights to present objections to any such other proffered testimony or documentary evidence  
23 associated with such testimony.

24 4. Defendants further agree to provide the Plaintiff with complete copies, including  
25 video-tapes and all exhibits, of all of the above-mentioned transcripts, not already in the Plaintiff's  
26 possession, as Plaintiff has so advised Defendants, within 10 days of the Plaintiff's execution of this  
27 stipulation and, where necessary, execution of the applicable protective order.

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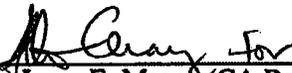
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5. To the extent any portions of the above-listed transcripts are governed by a protective order, Plaintiff agrees to the entry of the same protective order in this case, as to those transcripts. Defendants shall provide Plaintiff with copies of the applicable protective orders.

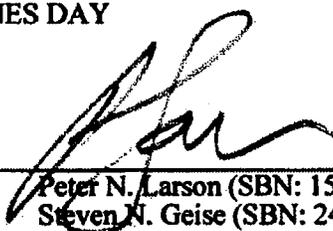
6. This stipulation may be executed in counterparts and by facsimile.

Dated: March 28, 2012

Respectfully submitted,  
SHOOK, HARDY & BACON L.L.P.

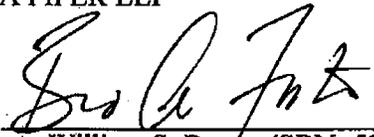
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Dated: March , 2012

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1 Dated: March 28, 2012

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16 Dated: March \_\_\_\_, 2012

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BRAYTON PURCELL

Attorneys for Plaintiff

23 PURSUANT TO STIPULATION, IT IS SO ORDERED.

26 Dated: \_\_\_\_\_

HONORABLE JOSEPH C. SPERO  
UNITED STATES MAGISTRATE JUDGE

1 Dated: March \_\_, 2012

DLA PIPER LLP

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By: \_\_\_\_\_  
William S. Boggs (SBN: 53013)  
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8 Dated: March 28, 2012

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16 Dated: March 28, 2012

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By: [Signature]  
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Jason M. Rose (SBN: 265984)  
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Attorneys for Plaintiff

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

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26 Dated: 3/30/12



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HONORABLE JOSEPH C. SPERO  
UNITED STATES MAGISTRATE JUDGE

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