

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

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ROSE D. CIPOLLONE and ANTONIO	:	Civil Action No. 83-2864-S
CIPOLLONE, her husband,	:	
	:	
Plaintiffs,	:	
	:	
vs.	:	DEFENDANT PHILIP MORRIS
	:	INCORPORATED'S FIRST
	:	ANSWERS TO PLAINTIFF'S
LIGGETT GROUP, INC., a	:	INTERROGATORIES
Delaware Corporation; PHILIP	:	
MORRIS INCORPORATED, a Virginia	:	
Corp.,; and LOEWS CORPORATION,	:	
a Delaware Corporation,	:	
	:	
Defendants.	:	

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Comes now defendant Philip Morris Incorporated (hereinafter referred to as Philip Morris), pursuant to the discovery orders made by the Court at a hearing on March 22, 1984, and for its first answers to plaintiff's interrogatories states:

INTERROGATORY NO. 1: Identify the person or persons who prepared the answers to these interrogatories and all persons who assisted in their preparation, noting which persons prepared or assisted in the preparation of which answers.

ANSWER: Pursuant to the discovery order this answer is limited to the names of corporate personnel providing substantive factual information and the interrogatories for which that information was supplied.

Bernadette T. Fee, Thomas S. Osdene and James L. Charles. Ms. Fee assisted in the preparation

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(c) Philip Morris is reviewing its files to see if such documents exist.

INTERROGATORY NO. 48: Do you contend that the cigarettes which you manufacture have social utility? If so, set forth:

(a) A full and detailed description of the factual basis for this contention;

(b) The names and addresses of any and all persons having knowledge of facts relevant to this contention;

(c) The names and addresses of any and all expert witnesses who you have retained and who may testify at the time of trial regarding this contention;

(d) Annex true and accurate copies of any and all reports furnished to you by such expert(s);

(e) Identify each and every document which supports this contention;

ANSWER: Yes. It is not clear what plaintiffs mean by the term social utility.

(a) Some considerations which may be applicable include: whether or not to smoke cigarettes is a decision made voluntarily and based on reasons which vary from individual to individual. In making the decision to smoke the individual decides that smoking cigarettes is of utility to him or her. In addition, after extensive hearings and investigation, Congress and the Government have made the determination that cigarette smoking has utility.

- (b) To be supplied.
- (c) See answer to interrogatory 32.
- (d) See answer to interrogatory 32.
- (e) The documents which support this contention will be identified.

INTERROGATORY NO. 49: If your answer to the foregoing interrogatory is in the affirmative, state whether you contend that the social utility of the cigarettes which you manufacture outweigh the health risks associated with the smoking of these cigarettes. If so, set forth:

- (a) A full and detailed description of the factual basis for this contention;
- (b) The names and addresses of any and all persons having knowledge of facts relevant to this contention;
- (c) The names and addresses of any and all expert witnesses who you have retained and who may testify at the time of trial regarding this contention;
- (d) Annex true and accurate copies of any and all reports furnished to you by such expert(s);
- (e) Identify each and every document which supports this contention.

ANSWER: Yes. Plaintiffs are presumably referring to the reported statistical association between cigarette smoking and certain diseases. In addition see answer to interrogatory 48.

(a) Those individuals who smoke have individually made the determination that in their particular cases the utility of cigarette smoking outweighs whatever health risks they perceive.

The decision has been made by Congress and the Government that the utility of smoking cigarettes outweighs the alleged health risks to the public from smoking those cigarettes.

Additional factors will be supplied.

(b) To be supplied.

(c) See answer to interrogatory 32.

(d) See answer to interrogatory 32.

(e) The documents which support this contention will be identified.

INTERROGATORY NO. 50: See forth the name, address and job position of each and every individual who took part in decisions to place warnings on the cigarettes you manufactured and sold.

ANSWER: Withdrawn.

INTERROGATORY NO. 51: For each and every year since 1942, specify the gross sum of money expended by defendant in the United States for advertisement of cigarettes.

ANSWER: Pursuant to the discovery order this answer is limited to the New York/New Jersey metropolitan area, Virginia Slims and Parliament cigarettes and to the time period January 1,