

STATE OF MINNESOTA

OFFICE OF  
APPELLATE COURTS

IN SUPREME COURT

MAR 15 2011

A10-215

FILED

Gregory Curtis, et al., individually and  
on behalf of all others similarly situated,

Respondents,

vs.

Altria Group, Inc.,

Respondent,

Philip Morris, Inc.,

Petitioner.

O R D E R

Based upon all the files, records and proceedings herein,

IT IS HEREBY ORDERED that the petition of Philip Morris USA Inc., for further review of the decision of the Court of Appeals be, and the same is, granted. The petitioner shall proceed as the appellant, and briefs shall be served and filed in the quantity, form and within the time limitations contained in Minn. R. Civ. App. P. 131 and 132. Counsel will be notified at a later date of the time for argument before this court.

IT IS FURTHER ORDERED that the motions of the Minnesota Defense Lawyers Association, the Chamber of Commerce of the United States of America, and the Product Liability Advisory Council, Inc., for leave to serve and file briefs as amici curiae in the

above-entitled matter in support of appellant be, and the same are, granted. Said briefs shall be served and filed in accordance with Minn. R. Civ. App. P. 129 and 132. Amici will not be permitted to participate in oral argument.

All amici are reminded that the principle espoused in Rule 37(1) of the Rules of the Supreme Court of the United States is applicable in this court as well:

An *amicus curiae* brief that brings to the attention of the Court relevant matter not already brought to its attention by the parties may be of considerable help to the Court. An *amicus curiae* brief that does not serve this purpose burdens the Court, and its filing is not favored.

Amici are therefore encouraged to coordinate their efforts to avoid redundant briefing.

Dated: March 15, 2011

BY THE COURT:

A handwritten signature in cursive script, reading "Lorie S. Gildea", written over a horizontal line.

Lorie S. Gildea  
Chief Justice

MEYER and STRAS, JJ., took no part in the consideration or decision of this case.

**NOTICE REGARDING ORAL ARGUMENTS BEFORE THE  
MINNESOTA SUPREME COURT**

Cases are ready to be placed on the Supreme Court's oral argument calendar when respondent's brief is filed. Counsel must advise the court, in writing, of potential conflicts before the case is scheduled. Counsel should give notice of potential conflicts by completing and filing this form by the date respondent's brief is due, at the latest. Because of the court's own scheduling concerns, it cannot guarantee that conflicts will be accommodated.

Once a case has been placed on the calendar, it cannot be rescheduled except for good cause. A party seeking to have a case rescheduled should submit a written motion that includes an explanation of the conflict and the reason no other attorney is available to argue. Rescheduling will be rare and only for exceptional circumstances.

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**TO COMMISSIONER'S OFFICE-MINNESOTA SUPREME COURT**

Case Name: \_\_\_\_\_

Case Number: \_\_\_\_\_

Attorney: \_\_\_\_\_

Party: \_\_\_\_\_

Check One:  Unavailable for oral argument on:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

No Conflicts to be considered.

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Attorney's signature

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Date