

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

THE STATE OF TEXAS,	§	CIVIL NO.:	5:96CV91
	§		
Plaintiff	§	SECTION:	_____
—	§		
VS.	§	JUDGE:	<u>DAVID FOLSOM</u>
—	§		
THE AMERICAN TOBACCO COMPANY;	§	MAGISTRATE:	_____
—	§		
R.J. REYNOLDS TOBACCO	§		
COMPANY; BROWN & WILLIAMSON	§	<u>JURY</u>	
TOBACCO CORPORATION; B.A.T.	§		
INDUSTRIES, P.L.C.; PHILIP	§		
MORRIS, INC.; LIGGETT GROUP,	§		
INC.; LORILLARD TOBACCO	§		
COMPANY, INC.; UNITED STATES	§		
TOBACCO COMPANY; HILL &	§		
KNOWLTON, INC.; THE COUNCIL	§		
FOR TOBACCO RESEARCH-USA,	§		
INC. (Successor to Tobacco	§		
Institute Research Committee);	§		
and THE TOBACCO INSTITUTE, INC.,	§		
	§		
Defendants	§		

**PLAINTIFF'S FIRST AMENDED AND
SUPPLEMENTAL INITIAL DISCLOSURE**

Pursuant to Fed.R.Civ.P. 26(a)(1) and Article Two (1)(a) of the Courts Civil Justice Expense and Delay Reduction Plan, Plaintiff, The State of Texas, makes the following First

Amended and Supplemental Initial Disclosure:

I.
PERSONS WITH KNOWLEDGE
[Article (1)(a)(I)]

The following are persons who are likely to have information that bears significantly on claims and defenses raised in this case:

1. Donnie Dippel, Assistant for Pesticide Programs
Mark Trostle, Director, Pesticide Registration Program
and Pesticide Programs Division
Larry Beacham, Smoking Coordinator
Texas Department of Agriculture
9th Floor, Stephen F. Austin Bldg.
P. O. Box 12847
Austin, Texas 78711
(512)463-7541

Texas Department of Agriculture has information regarding the use of tobacco and nicotine as insecticides and fumigants. Donnie Dippel and Mark Trostle are in charge of the registration program for all pesticides and insecticides. Larry Beacham is the Smoking Coordinator and enforces a smokefree environment in the work place.

2. Terri Blier, Executive Director
David Williams
Jane Maxwell
Liang Y. Liu, Ph.D.
Texas Commission on Alcohol and Drug Abuse
710 Brazos
Austin, Texas 78701
(512)867-8751

Texas Commission on Alcohol and Drug Abuse (TCADA) has information related to the State of Texas' plan and

compliance with the Synar Amendment--Section 1926(b)(2)(B), Public Health Service Act, Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA) Reorganization Act, 42 U.S.C.300x-26. TCADA was not required to comply with the Synar Amendment until 1995. See ADAMHA, Sec. 1926 (a) (2). In order to comply with the Synar Amendment TCADA contracts with both the Texas Drug Abuse Resistance Education (D.A.R.E.)Institute, Southwest Texas University-San Marcos, Texas and the Texas Department of Health - Office of Smoking and Health to perform compliance inspections.

David Williams (Texas D.A.R.E. Institute, Southwest Texas University in San Marcos) and the Department of Health - Office of Smoking and Health have knowledge regarding compliance inspections. Some documents produced will identify other individuals that have authored relevant studies or reports related to issues addressed in the Synar Amendment. Jane Maxwell and Liang Y. Liu, Ph.D. have knowledge regarding the Texas School Survey of Substance Use Among Students: Grades 4-6 and 7-12.

3. Custodian of Records
State Auditor's Office
206 E. 9th Street, Suite 1900
Austin, Texas 78701
(512) 479-4990

The State Auditor's Office is charged with auditing the records of state agencies, including those involved in administering the State Medicaid Program and the state agencies administering programs providing health insurance benefits for state employees, retirees and their dependents.

4. Emily Untermeyer, M.P.H., Executive Director
Texas Cancer Council
211 East 7th, Suite 710
Austin, Texas 78701
(512)463-3190

The Texas Cancer Council is an agency which strengthens cancer prevention and control efforts in the State of Texas. This agency funds cancer prevention

programs through grant and contract programs for private and state entities. Emily Untermeyer, M.P.H. is the Executive Director of the Texas Cancer Council. She has knowledge pertaining to the incidence of cancer, cancer prevention, cancer detection, cancer treatment and quality of life resources in the State of Texas. She is informed about professional and public education programs related to cancer prevention, detection and treatment, including tobacco related education.

5. Jimmy Archer
Calvin Pape
Office of The Comptroller of Public Accounts
L.B.J. State Office Bldg.
Austin, Texas 78701
(512)463-4000

The Comptroller's Office maintains records and statistics regarding tax revenue and permit fees that relate to the manufacture, sale and use of tobacco-containing products in Texas. Calvin Pape is likely to have information that bears on these issues.

The Comptroller also is charged with the enforcement of statutes and regulations relating to the sale of tobaccocontaining products in Texas. Jimmy Archer is likely to have knowledge of information pertaining to enforcement actions and audits. Jimmy Archer is likely to have information that bears on these issues.

6. Mary Elder, Executive Director
Interagency Council on Early Childhood Intervention
4412 Spicewood Springs Road, Suite 600
Austin, Texas 78759
(512) 502-4900

The Interagency Council on Early Childhood Intervention provides services to low-birth-weight infants and collects data from participating households that includes incidence of low-birth-weight infants and the prevalence of smoking in these households. Mary Elder is likely to have information relevant to these issues.

7. Ann Smisko, Coordinator of the Curriculum and Professional Development
Texas Education Agency
1701 Congress Avenue
William B. Travis Bldg.
Austin, Texas 78701-1494
(512)463-9720

The Texas Education Agency (TEA) encompasses the Texas public system, kindergarten through grade 12. In 1995, Senator Bill Ratcliff and Representative Paul Sadler sponsored Senate Bill 1, which revised the Education Code to provide for tobacco-free school property (Education Code § 38.006). Ann Smisko is the Coordinator for the Curriculum and Professional Development (CPD) department of the TEA. The CPD has the State approved curriculum, which contains the 'Essential Elements', a list of topics that must be taught in every public school in Texas. There is a library of State adopted school textbooks at the TEA. Many of these textbooks contain information regarding tobacco and health issues as follows:

Grades 1-3

Health

-HBJ Health - A Resource for Teachers

Publisher: Harcourt Brace

Unit 6 Alcohol and Tobacco

Grade 4, (4-71-0)

Health

-Health For Life - Teacher's Edition 4

Publishers: Scott Foresham

Chapter 7: Medicines and other drugs

-Health: Focus on You

Publishers: Meeks and Heit

Unit 6: Drugs, Chapter 12: Alcohol and Tobacco

-Being Healthy

Publishers: Harcourt, Brace, and Javanovich

Chapter 8: Alcohol and Tobacco

Grade 5, (5-71-0)

Health

-Health: Focus on You

Publishers: Meeks and Heit

Unit 6: Drugs

-Health For Life

Publishers: Scott Foresman

Chapter 7: Drugs and Your Health

-Being Healthy

Publishers: Harcourt, Brace, and Jovanovich

Chapter 9: Alcohol and Tobacco

Grade 6 (6-71-0)

Health

-Being Healthy

Publishers: Harcourt, Brace, and Jovanovich

Chapter 9: Tobacco and Alcohol

Grade 7, (7-10-0)

Health

-Teens in Action

Publisher: Changing Times Education Service, EMC
Publishing

Copyright 1989

Chapter 14: Your Health

-Building Life Skills

Publisher: The Good Heart-Wilcox Company, Inc.

Chapter 16: Promoting Good Health

-Teen Living

Publisher: Prentice-Hall

Chapter 3: Wellness, Unit One: About You

-Health

Publisher: Merrill Publishing Co.

Chapter 13: Tobacco

-Health For Life

Publisher: Scott Foresman and Co.

Chapter 6: Drugs: What they are and what they do?

-Health For Life

Publisher: Scott Foresham and Co.

Chapter 16: How Tobacco and Alcohol Effect Health

-Health

Publishers: Merrill Publishing Co.

Chapter 14: A Tobacco Free Lifestyle

-Being Healthy

Publisher: Harcourt, Brace, and Jovanovich

Chapter 11: Tobacco and Health

-Teen Health: Decisions For Healthy Living

Publisher: Glencoe/McGraw Hill

Chapter 8: Tobacco And Your Health

-Health: Focus on You

Publishers: Meeks and Heit

Unit 6: Drugs, Chapter 14: Choosing to be tobacco free

-Tobacco and Your Health

-Being Healthy

Publishers: Harcourt, Brace, and Jovanovich

Chapter 11: Dangers of Tobacco Use

Grades 8-12, High School

Health

-Health Skills for Wellness

Publisher: Prentice-Hall

Chapter 20: Tobacco

-Perspectives on Health,

Publisher: Getchell, Pippin, and Varnes

Chapter 20: Tobacco

-Glencoe Health: A Guide to Wellness

Publisher: Glencoe, Macmillan/McGraw-Hill

Chapter 22: Tobacco

-Making Life Choices: Health Skills and Concepts

Publishers: West Publishing Company

Chapter 15: Tobacco

Grades 9-12, High School

-Home Economics

-Child Development: Roles, Responsibility, Resources

Publisher: Prentice-Hall, Inc.

Chapter 4, Unit 2: Pregnancy and Birth

-The Developing Child: Understanding Children and

Parenting

Publisher: Glencoe Publishing Co.

Unit 2: Pregnancy and Birth

8. Jim W. Sarver, Director of the Group Insurance Division
Diana Rushing, Manager of Insurance Programs
Employees Retirement System of Texas
P. O. Box 13207
18th and Brazos
Austin, Texas 78701
(512)867-3217

The Employees Retirement System of Texas (ERS) is likely to have information that bears significantly on Plaintiff's damages calculations. Specifically, the agency has information that relates to State funds expended for tobacco-attributable health care costs incurred by the State in providing health benefits to its retirees, employees, and their dependents.

The Uniform Group Insurance Program (UGIP) was formed in 1977 to provide health care benefits to employees of State agencies and employees of State institutions of higher education, excluding the University of Texas and Texas A&M University Systems. The ERS is the State agency responsible for overseeing this program. Since 1992, the ERS has provided a basic plan, referred to as HealthSelect of Texas, and various HMO plans. The basic plan is a self-insured health plan funded by the State, while the HMO's are insured health care plans. For each employee, the State contributes 100% of the cost for the basic plan and, in most cases, 100% of the cost of HMO coverage. The State contributes 50% of the cost for dependents. Currently, there are approximately 210,000 employees participating in the UGIP and just over 500,000 total participants, including retirees, dependents, and employees. For the most recent year, the cost incurred by the State in providing health benefits through ERS was approximately \$900,000,000. Approximately 25% of this amount represents payments by individual participants. Jim Sarver and Diana Rushing are likely to have information that bears on these issues.

9. Tom Harrison, Executive Director
Texas Ethics Commission 1101 Camino La Costa
P. O. Box 12070
Austin, Texas 78752
(512)463-5800

The Texas Ethics Commission maintains a list of registered lobbyists and their addresses.

10. Linda Wertz, State Medicaid Director
Health and Human Services Commission
P. O. Box 13247
Austin, Texas 78711-3247

(512)424-6500

The Texas Health and Human Services Commission (HHSC) is the state agency charged with the responsibility for the State Medicaid Program. In this capacity, HHSC's Medicaid office oversees the policies and programs carried out by various Medicaid operating agencies, including the Texas Department of Health and the Texas Department of Human Services. The State Medicaid office is likely to have information relating to Medicaid programs and policies, the Medicaid budget, and Medicaid expenditures for tobacco-related health care costs. Linda Wertz, State Medicaid Director, is likely to have knowledge regarding these issues.

11. Tony Venza
Department of Human Services
701 W. 51st Street
Austin, Texas 78751
(512) 438-3114

The Texas Department of Human Services (DHS) is one of several Medicaid operating agencies that function under the guidance of HHSC's Medicaid office to administer the State's Medicaid Program. In this capacity, DHS has information regarding Medicaid expenditures for long-term care programs and services. Tony Venza is likely to have knowledge of information relating to this issue. DHS also provides assistance to other Medicaid operating agencies.

12. Sylvia Barron
Rick Bays
Karyn Briggs
Ken Condon
Roger Diamond
James Elkins
Mike Harris
Patricia Hohertz
Phil Huang
Dora McDonald
Dennis Perotta
Tom Pollard
Steve Scarborough
Sheri Scott

Rhonda Sweeny
Randy Washington
Nancy Weis
Rebecca Zima
Texas Department of Health
1100 West 49th Street
Austin, Texas 78756
(512)458-7236

The Texas Department of Health (TDH) is one of the state agencies charged with the administration of the State Medicaid program. The agency's Division for Health Care Financing, Bureau of Purchased Health, is likely to have information regarding state Medicaid program expenditures and participation. Randy Washington and Steve Scarborough are likely to have knowledge of information that bears on these issues.

In addition, the following TDH divisions, bureaus, and programs are likely to have information that relates to the adverse health effects of smoking:

The Bureau of Chronic Disease Prevention and Control oversees bureau programs relating to smoking and health, cancer, and behavioral risk factors. Dr. Philip Huang is likely to have knowledge of all of these issues. Nancy Weiss is likely to have knowledge regarding the Texas Cancer Registry. Roger Diamond and Ken Condon are likely to have knowledge regarding the Behavioral Risk Factor Surveillance System.

The eleven Public Health Regions conduct health screening, educational programs and collect information relating to the adverse health-effects of smoking. Sheri Scott (Lubbock), Karyn Briggs (Arlington), Rhonda Sweeny (Houston), Sylvia Barron (Temple), Patricia Hohertz (San Antonio), and Rebecca Zima (El Paso) are likely to have knowledge regarding these programs.

The Bureau of Vital Statistics collects population and mortality data. Rick Bays and Tom Pollard are likely to have knowledge regarding this data.

The Bureau of State Health Data and Policy Analysis and the Health Care Information Council collect data relating to health care delivery and health care costs. Dora McDonald is likely to have knowledge regarding this data.

The Bureau of Epidemiology collects and analyzes data that relates to the occurrence and prevalence of disease in human populations. Dr. Dennis Perotta is likely to have knowledge regarding this data.

TDH also oversees two state-funded hospitals that are likely to have information regarding the adverse health effects of smoking and smoking-related health care costs. James Elkins is likely to have knowledge of these issues as they relate to the San Antonio Chest Hospital and the South Texas Hospital -- Harlingen.

TDH also is charged with the enforcement of certain statutes and regulations regarding the access of minors to tobacco products. Mike Harris is likely to have knowledge of this information.

13. Mary Keller, Senior Associate Commissioner
Tyrette Hamilton, Deputy Commissioner for Life/Health Insurance
Diane Moellenberg, Manger of Health Insurance
Beth Hill, Manager of Life Insurance
Texas Department of Insurance
333 Guadalupe
P. O. Box 149104
Austin, Texas 78714-9104
(512)475-1821

The Texas Department of Insurance is responsible for overseeing the filing of various rates to be charged by insurance companies for individual and group life and health policies. In this capacity, the Department of Insurance has information concerning premiums charged to smokers and discounts offered to non-smokers. Tyrette Hamilton, Beth Hill, Mary Keller, and Diane Moellenberg are likely to have knowledge of this information.

14. Alan Bond
Texas State Treasury State Treasury Bldg.

200 E. 10th Street
Austin, Texas 78701-2436
(512)463-5971

The State Treasury is charged with the implementation and enforcement of statutes and regulations relating to the sale of tobacco products in Texas.

Specifically, the Treasury oversees both the State's collection of tobacco-related tax revenue and the State's permit-and stamp-based system for regulating the sale of tobacco products. In this capacity, the Treasury maintains data and records regarding tobacco-related tax revenue and tobacco stamp sales. The Treasury also maintains records and data regarding enforcement actions and audits. Alan Bond is likely to have knowledge of this information.

15. Robert E. Molloy, Director of Employee Group Insurance
The University of Texas System
702 Colorado Street, Suite 6.600
Austin, Texas 78701
(512) 499-4616

The University of Texas System has information that relates to State funds expended for tobacco-attributable health care costs incurred by the State in providing health benefits to University of Texas System retirees, employees, and their dependents. Since 1990, the University of Texas System has provided health care benefits to its employees through its self-funded basic plan, self-funded HMO'S, and insured HMO'S. Prior to 1990, the UT System offered HMO,s and non-HMO indemnity plans to its employees, retirees, and dependents. There was no self-funded plan prior to 1990. For each employee in the basic plan, the University contributes 100% of the costs. The University also contributes approximately 50% of the costs for dependents. Currently, the UT System has approximately 130,000 dependents, employees, and retirees participating in the various plans. Approximately 110,000 of the participants are enrolled in the self-funded plan. For the most recent year, the costs incurred by the UT System in providing health care benefits through its various plans was approximately

\$200,000,000.

16. Steve Hassel, Associate Executive Director of System
Human Resources
University of Texas A&M System
301 Tarrow, 5th Floor
College Station, Texas 77843
(409)845-2026

The University of Texas A&M System (A&M System) has information that relates to State funds expended for tobacco-attributable health care costs incurred by the State in providing health benefits to A&M System retirees, employees, and their dependents. Since 1994, the A&M University System has provided to its participants a self-funded plan, referred to as the A&M Care Plan Program, and various HMO Plans. Prior to 1994, the A&M System provided to its employees various HMO and non-HMO indemnity health care plans. For each employee in the A&M Care Plan Program the University contributes 100% of the cost. The University contributes approximately 50% of the costs for dependents. Currently, 50,000 employees, retirees, and dependents participate in the A&M University System health care plans. For the most recent year, the cost incurred by the state in providing health care benefits through the A&M University System was approximately \$75,000,000.

Under Texas law, each State agency is required to implement a smoking policy. Copies of these smoking policies will be produced. Based upon information available at this time, Plaintiff believes that the agencies listed below have no other information that bears on issues in this case. The director of each listed agency has knowledge of information relating to that agency's smoking policy:

1. Texas Department on Aging
2. Texas Department of Commerce
3. General Services Commission

4. Texas Incentive and Productivity Commission
5. Texas Department on Licensing and Regulation
6. Mental Health and Mental Retardation
7. Texas Natural Resource Conservation Commission
8. Office of the Governor
9. Office of the Secretary of State
10. Texas Department of Criminal Justice
11. Texas Rehabilitation Commission

Plaintiff will supplement this response if additional information becomes available.

Plaintiff also believes the following individuals may have information pertaining to the Defendants' lobbying activities, government relations, legislative tracking, campaign contributions and non-governmental organizational contributions:

Armstrong, Gaylord
1300 Capitol Center
919 Congress Avenue
Austin, TX 78701

Gaylord Armstrong is a contract Tobacco Institute lobbyist who covered the State of Texas Legislative activities for 1989-1995. Armstrong has knowledge of the state lobbying activities by the tobacco industry in Texas.

Blake, Roy
Philip Morris, Inc.
120 Park Avenue
New York, NY 10017
(212) 880-5000

Roy Blake was a Philip Morris' Congressional lobbyist and is a part of Texas Grasstops 1989-1990. Grasstops members are people located in states who are retained to lobby members of Congress from their home district. Blake has knowledge of the tobacco industry's lobby tactics employed in Texas.

Brown, Dick
1108 Lavaco, Suite 400
Austin, TX 78701

Dick Brown was a Philip Morris U.S.A. lobbyist for Texas, 1989-1995. Brown has knowledge of the tobacco industry's lobby tactics employed in Texas.

Burleson, Pate & Gibson
2414 North Akard, Suite 700
P. O. Box 190623
Dallas, TX 75201
(214) 871-4900

Burleson, Pate & Gibson was a firm employed by Philip Morris to lobby in Texas in 1989-1990. The partners in this firm have knowledge of the tobacco industry's lobby tactics employed in Texas.

Cavazos, Eddie
10406 La Costa Drive
Austin, TX 78747

-and-

Cavazos & Associates
405 North St. Mary's, Suite 750
San Antonio, TX 78205

Eddie Cavazos of the firm Cavazos & Associates was a lobbyist for the Smokeless Tobacco Council, Inc. in 1995. Cavazos has knowledge of the tobacco industry's lobby tactics in Texas.

Clayton, Billy
Capital Consultants
1122 Colorado, Suite 307
Austin, TX 78701

Billy Clayton was a member of the Texas Grasstops in 1989-1990. Grasstops members are people who are retained to lobby members of Congress from their home state. He was also a lobbyist for Philip Morris, Inc. in 1991. Clayton has knowledge of the tobacco industry's lobby tactics in Texas and Washington D.C.

Culley, Robert
1315 Nueces
Austin, TX 78701

Robert Culley was a lobbyist for Smokeless Tobacco Council, Inc. 1983-1995. Also he was a lobbyist for the Tobacco Retailers Association in 1995. Culley has knowledge of the tobacco industry's lobby tactics in Texas.

Dillard, Jack K.
1005 Congress Avenue, Suite 850
Austin, TX 78701

Jack Dillard was a Texas lobbyist for Philip Morris in 1993 and 1995. He was also the Regional Director of Governmental Affairs in 1993. Dillard has knowledge of the tobacco industry's lobby tactics employed in Texas.

Dyer, Jim W.
Philip Morris, Inc.
120 Park Avenue
New York, NY 10017
(212) 880-5000

Jim Dyer is the Director of Governmental Affairs for Philip Morris, Inc. Dyer has knowledge of Philip Morris, Inc.'s lobbying activities in Texas and the United States which include the following areas: cigarette taxes, grassroots efforts, trade, political, military, Environmental Protection Agency (EPA), Environmental Tobacco Smoke (ETS), health, appropriations which include defense, foreign operations, labor, health and human services, department of Transportation, Commerce, State Justice and Judiciary, Veterans' Association, and drug funding. Dyer was also involved in the tobacco industry's lobbying efforts within the State of Texas for the Texas Product Liability Act.

Eschberger, Brenda
100 Congress Avenue
Suite 1100
Austin, TX 78701

Brenda Eschberger was a lobbyist for Philip Morris, Inc. in 1995. Eschberger has knowledge of the tobacco industry's lobby tactics employed in Texas.

French, Mike
P. O. Box 571
Austin, TX 78767

Mike French was a United States Tobacco lobbyist in 1995. French has knowledge of the tobacco industry's lobby tactics employed in Texas.

Fritz, Randy
1122 Colorado, Suite 220
Austin, TX 78701

Randy Fritz was a Philip Morris, Inc. lobbyist in Texas for 1995. Fritz has knowledge of the tobacco industry's lobby tactics employed in Texas.

Gibson, Machree G.
2200 One American Center
600 Congress Avenue
Austin, TX 78701

Machree G. Gibson was a Philip Morris, Inc. lobbyist in Texas for 1995. Machree has knowledge of the tobacco industry's lobby tactics employed in Texas.

Greenberg, David
Philip Morris, Inc.
120 Park Avenue
New York, NY 10017
(212) 880-5000

David Greenberg works out of Philip Morris, Inc.'s Washington D.C. office and has knowledge concerning issues of corporate donations, political contributions and lobbying activities, specifically those lobbying activities in Texas regarding product liability during 1989.

Gullahorn, Jack
98 San Jacinto
Austin, TX 78701

Jack Gullahorn has been a tobacco interest lobbyist for Philip Morris. Gullahorn has knowledge of the tobacco industry's lobby tactics employed in Texas.

Harkrider, Mark
1122 Colorado, Suite 200
Austin, TX 78701

In 1993, Mark Harkrider was listed as a Philip Morris, Inc. lobbyist. Harkrider has knowledge of the tobacco industry's lobby tactics employed in Texas.

Ingram PC, Dick G.
1315 Nueces Street
Austin, TX 78701

Dick Ingram was a Smokeless Tobacco Council, Inc. lobbyist for 1991-1995. Ingram has knowledge of the tobacco industry's lobby tactics employed in Texas.

Johnson, Gordon R.
1122 Colorado, Suite 208
Austin, TX 78701

Gordon R. Johnson is a lobbyist and an attorney. He was a lobbyist for R.J. Reynolds Tobacco Company in 1991, 1993 and 1995. Johnson has knowledge of the tobacco industry's lobby tactics employed in Texas.

Johnson, Robert E.
1122 Colorado, Suite 208
Austin, TX 78701

Robert E. Johnson was a lobbyist for R.J. Reynolds Tobacco Company in 1989-1993 and in 1995. Johnson has knowledge of the tobacco industry's lobby tactics employed in Texas.

Jones, Jr., Neal T. "Buddy"

100 Congress Avenue
Suite 1111
Austin, TX 78701

Neal T. "Buddy" Jones, Jr. was a lobbyist for Philip Morris, Inc. in 1989-1990, 1993 and 1995. Jones has knowledge of the tobacco industry's lobby tactics employed in Texas.

Kelly, Rusty
100 Congress Avenue
Suite 1100
Austin, TX 78701

Rusty Kelly was a lobbyist for Philip Morris, Inc. from 1989-1995. Kelly has knowledge of the tobacco industry's lobby tactics in Texas.

Luna, Albert
1122 Colorado, Suite 220
Austin, TX 78701

Albert Luna was a Philip Morris, Inc. lobbyist in 1995. Luna has knowledge of Philip Morris' and the tobacco industry's lobby tactics in Texas.

Maples, Robert Y.
Philip Morris, Inc.
120 Park Avenue
New York, NY 10017
(212) 880-5000

Robert Y. Maples was involved in Texas lobbying efforts including the Texas Product Liability Act and regional conference meetings which included the State of Texas. His lobbying activities included, but are not limited to, such areas as advertising, regulation, grassroots organizations, Congressional Relations, entertainment of Congressional Staffers, tracking Department of Commerce issues, Smoking and Health issues and Energy and Commerce issues. Maples has knowledge of monthly cigarette distributions to government employees. Also, he was involved in the Benson Tobacco &

Youth Health Hearings in 1990. Maples has knowledge of the tobacco industry's lobby tactics employed in Texas and Washington D.C.

Matheson, Dan
Philip Morris, Inc.
120 Park Avenue
New York, NY 10017
(212) 880-5000

Dan Matheson was a Philip Morris, Inc. Congressional lobbyist in 1989-1990. He was a Grasstops member. Grasstops members are individuals located in states who are retained to lobby members of Congress from their home state. Matheson has knowledge of tobacco industry's lobby tactics employed in Texas and Washington D.C.

McDaniel, Demetrius
816 Congress Avenue
Suite 1900
Austin, TX 78701

Demetrius McDaniel is a lobbyist who has represented the Smokeless Tobacco Council, Inc. In 1991-1993 he was a lobbyist for the Smokeless Tobacco Council, Inc. McDaniel has knowledge of the tobacco industry's lobby tactics employed in Texas.

McGarry, Mignon
P. O. Box 1501
Austin, TX 78767-1501

Mignon McGarry was a lobbyist for Philip Morris, Inc. in 1995. McGarry has knowledge of the tobacco industry's lobby tactics employed in Texas.

Millman, Amy J.
Philip Morris, Inc.
120 Park Avenue
New York, NY 10017
(212) 880-5000

Amy J. Millman works in Philip Morris, Inc.'s Washington D.C. office. She was involved in the Tobacco Institute, Inc.'s Comprehensive Public Smoking Program which proposes

strategies and highlights programs designed to address current legislative and regulatory activity and other public smoking/indoor air quality initiatives. Specifically, Millman was involved with proposed smoking regulations on domestic flights under the Department of Transportation. Her job involved contacting Aviation Sub-Committee Staffers, Senate Transportation Staffers and their appropriate representatives. Also, Millman worked with the Senate Appropriations Transportation Subcommittee.

Another of Millman's roles was to build a political consensus in favor of the tobacco industry's position and to forge alliances with other organizations including but not limited to: women's organizations, various minority organizations like the Black Caucus and special interest groups like the Arts Caucus. She solidified these alliances by selectively promoting these organizations through monetary contributions from Philip Morris, Inc. Additionally, she was involved with Philip Morris, Inc.'s sponsorship of The National Bill of Rights Tour which celebrated the 200th anniversary of the Bill of Rights.

Another aspect of Millman's job at Philip Morris, Inc. was to promote tobacco sales to the military. She worked with Philip Morris, Inc.'s program to distribute cigarettes monthly to government employees.

Millman has knowledge of the tobacco industry's lobby tactics employed in Texas and Washington D.C.
Newton, Gary T.
2200 One American Center
600 Congress Avenue
Austin, TX 78701

Gary T. Newton was a lobbyist for Kraft, a subsidiary of Philip Morris, Inc. in 1993 and a Philip Morris, Inc. lobbyist in 1995. He was also listed as a Philip Morris Management Corporation lobbyist for 1995. Newton has knowledge of the tobacco industry's lobby tactics employed in Texas.

Polan, Kraege
1315 Nueces Street
Austin, TX 78701

Kraege Polan was listed as a lobbyist for the Smokeless

Tobacco Counsel, Inc. in 1993-1995. Polan has knowledge of the tobacco industry's lobby tactics employed in Texas.

Pouland, John
c/o Philip Morris, Inc.
120 Park Avenue
New York, NY 10017
(212) 880-5000

John Pouland has been a Philip Morris Congressional lobbyist and a Grasstops member in 1990. Grasstops members are individuals located in states who are retained to lobby members of Congress from their home state. Pouland has knowledge of the tobacco industry's lobby tactics employed in Texas and Washington D.C.

Roberts, Jack
100 Congress Avenue
Suite 1100
Austin, TX 78701

Jack Roberts is a lobbyist who has represented the Tobacco Institute, Inc. Roberts has knowledge of the tobacco industry's lobby tactics employed in Texas.

Rove, Karl
1609 Shoal Creek Road
Austin, TX 78701

Karl Rove is a paid consultant for Philip Morris. Rove has knowledge of the tobacco industry's lobby tactics employed in Texas.

Schleuter, Stan
P. O. Box 162224
Austin, TX 78716

Stan Schleuter was a lobbyist for Philip Morris-U.S.A. in 1991-1993 and for Philip Morris, Inc. in 1995 and 1996. Schleuter has knowledge of the tobacco industry's lobby tactics employed in Texas.

Toomey, "Mike"
1122 Colorado Street
The Westgate Bldg., Suite 220
Austin, TX 78701

Mike Toomey was listed as a lobbyist for Philip Morris, Inc. in 1995. Toomey has knowledge of Philip Morris, Inc.'s Texas lobby efforts.

Varner, Cal
1101 Navasota, Suite 1
Austin, TX 78701

Cal Varner was listed as a Texas lobbyist for Brown & Williamson Tobacco Corporation in 1989-1990. Varner also has worked as a lobbyist for Philip Morris. Varner has knowledge of the tobacco industry's lobby tactics employed in Texas.

Villarreal PC, Jose N.
P. O. Box 571
Austin, TX 78767

Jose N. Villarreal is an attorney who is listed as a lobbyist for Philip Morris-U.S.A. in 1995. Villarreal has knowledge of the tobacco industry's lobby tactics employed in Texas.

Woods, Joe
2100 Plumbrook Drive
Austin, TX 78746

Joe Woods was a lobbyist for the Tobacco Institute in 1995. Woods has knowledge of the tobacco industry's lobby tactics employed in Texas.

The Plaintiff believes the following individuals and/or firms may have information regarding the alleged misconduct by

Defendants:

Africk, Jack
United States Tobacco Company
100 West Putnam Avenue
Greenwich, CT 06830
(203) 661-1100

Jack Africk was a member of the Board of Directors beginning in 1976 of Liggett Group, Inc. During that same

year, he was also Vice President of Sales. In 1977 he became Executive Vice President of Liggett Group, Inc. Currently, he is an Executive for U.S. Tobacco Company. Africk has knowledge of the tobacco industry's participation in public fraud and disinformation campaign relative to health hazards of tobacco use, in the manipulation of nicotine in tobacco products and in marketing of tobacco products to children.

Bantle, Louis Francis
United States Tobacco Company
100 West Putnam Avenue
Greenwich, CT 06830
(203) 661-1100

Bantle has knowledge of United States Tobacco Company's and the tobacco industry's participation in public fraud and disinformation campaign relative to health hazards of tobacco use, in the manipulation of nicotine in tobacco products and in marketing of tobacco products to children.

Bible, Geoffery
Philip Morris, Inc.
120 Park Avenue
New York, NY 10017
(212) 880-5000

As of March, 1995 Geoffery Bible is President, Chairman of the Board and CEO of Philip Morris Companies, Inc. Bible has knowledge of Philip Morris' and the tobacco industry's participation in public fraud and disinformation campaign relative to health hazards of tobacco use, in the manipulation of nicotine in tobacco products and in marketing of tobacco products to children.

Bravo, Janice
DNA Plant Technology
New Jersey

Janice Bravo has knowledge of the development and commercialization of Y-1 tobacco and the genetic engineering of high-potency-nicotine tobacco plants.

Brooks, Nick
Brown & Williamson Tobacco Corporation
401 South 4th Avenue

Louisville, KY 40202-3426
(502) 584-7170

Brooks has knowledge of the operations of B.A.T. Industries p.l.c., BATCo, Brown & Williamson and Souza Cruz. Brooks has knowledge of the development and commercialization of Y-1 tobacco.

Broughton, Martin
B.A.T. Industries p.l.c.
Windsor House
50 Victoria St.
London, England

Broughton has knowledge of the operations of B.A.T. Industries p.l.c., BATCo, Brown & Williamson and Souza Cruz. Broughton has knowledge of the development and commercialization of Y-1 tobacco.

Bumgarner, Joseph
R.J. Reynolds Tobacco Company
401 Main St.
Winston Salem, NC 27101-3818
(901) 741-5000

Joseph Bumgarner has knowledge regarding the dismantling of scientific establishment named the "mouse house" at R.J. Reynolds Tobacco in December 1970.

Campbell, William I.
Philip Morris, Inc.
120 Park Avenue
New York, NY 10017
(212) 880-5000

William Campbell is the former President and CEO of Philip Morris, Inc. and testified before the Waxman Subcommittee Hearings. As of March, 1995 he was Chairman of Philip Morris U.S.A. He is currently retired. Campbell has knowledge of Philip Morris' and the tobacco industry's participation in public fraud and disinformation campaign relative to health hazards of tobacco use, in the manipulation of nicotine in tobacco products and in marketing of tobacco products to children.

Charles, James "Jim" L.
Philip Morris, Inc.
120 Park Avenue
New York, NY 10017
(212) 880-5000

Dr. Charles determined the nicotine residue coefficient for the test cigarettes and supervised the nicotine residual analyses for the SEX-2 Study as written by Myron Johnson on March 3, 1969. The basic question to the SEX-2 Study is "To what extent is daily smoke intake a function of the cigarette smoke?" Charles lives in Richmond, Virginia and is a former Philip Morris employee. He was Victor DeNoble's supervisor at Philip Morris in 1982 when he replaced William Dunn as the Biochemistry Manager. Senior Project Managers reported to Charles as the Biochemistry Manager. Charles reported to the Director of Research, Tom Osdene, and other Directors as did the Director of Manufacturing and the Director of Quality Control, etc. Charles did a lot of research on nitrosamines (which contain particulate matter in cigarette smoke). He replaced Tom Osdene as the Director of Research then later became the Vice President of Research before retiring from Philip Morris sometime in 1993. He has knowledge of nicotine addiction, nicotine manipulation and disease/cancer causation.

Covington & Burling
P. O. Box 7566
Washington DC 20044-7566
(202) 662-6000

Partners in the law firm, Covington & Burling, including, but not limited to, Keith Teel, Allan Topol and John Rupp, have knowledge of lobby tactics employed in Texas by the tobacco industry.

Allan Topol attended a meeting of the Research Directors of Brown & Williamson, Philip Morris, and Liggett & Myers at Liggett & Myers Operations Center in Durham, NC on May 24, 1968. The objective of the meeting was to determine the variation and the amounts of FTC tar exposure which various groups of the population encounter when smoking various cigarettes. He attended the December 7, 1967, meeting at the Research Triangle Institute regarding individual's smoke exposure. Knowledge of smokers' "compensation" techniques and the inaccuracies of the FTC method for measuring tar/nicotine

exposure to smokers. Mr. Topol has knowledge regarding nicotine addiction, nicotine manipulation and disease/cancer causation.

Chilcote, Samuel
The Tobacco Institute, Inc.
1876 I Street, NW, Suite 800
Washington, D.C. 20006
(202) 457-4800

Chilcote has knowledge of The Tobacco Institute's and the tobacco industry's participation in public fraud and disinformation campaign relative to health hazards of tobacco use, in the manipulation of nicotine in tobacco products and in marketing of tobacco products to children.

Colucci, Anthony V., Sc.D.
2573 Pecos Street
Beaumont, TX 77702
(409) 833-0595

Colucci is a research and consulting toxicologist who is knowledgeable regarding the Biological Research Division of R.J. Reynolds Tobacco Company during the years of 1967-1970 and R.J. Reynolds Tobacco Company's knowledge of the toxicology, pharmacology and dependency producing qualities of nicotine and tar in cigarettes during the years of 1967-1992.

Dawson, Brennan
The Tobacco Institute, Inc.
1876 I Street, NW, Suite 800
Washington, D.C. 20006
(202) 457-4800

Brennan Dawson was a Tobacco Institute Senior Vice President. She spoke for the Tobacco industry on ABC's "Day One" program and on CBS's March 27, 1994 "Face the Nation" program. Dawson has knowledge of the tobacco industry's participation in the public disinformation campaign regarding the health hazards of tobacco use, the manipulation of nicotine in tobacco products and the marketing of tobacco products to children.

DeNoble, Victor
Dept. of Mental Retardation
Biggs Building
1901 Dup Hwy.
New Castle, DE 19720

Victor DeNoble worked as a Senior Researcher at Philip Morris Companies from 1980-1984. As a Philip Morris researcher, he found in a 1983 study of rats that nicotine had addictive (reinforcing) properties. DeNoble has also conducted studies on acetaldehyde, which was found to trigger the same reinforcing behavior as nicotine. He was involved in the research and development of a "safe" Cigarette. He testified before the Waxman Subcommittee on Thursday, April 28, 1994 with Paul Mele. As early as 1975, DeNoble was requested by Philip Morris to find an "analog" or substitute for nicotine which would have the same (addictive) properties as nicotine but not the cardiovascular effects. DeNoble has knowledge of the tobacco industry's knowledge of the addictiveness of nicotine in tobacco products, patent accumulation practices, suppression of scientific research and tactics employed against witnesses.

Dey, Kinsley V.R., Jr.
Liggett Group, Inc.
300 North Duke Street
Durham, NC 27702
(919) 683-9000

Dey was President and Chief Executive Officer from 1983 through 1990. Dey has knowledge of Liggett Group, Inc.'s and the tobacco industry's participation in public fraud and disinformation campaign relative to health hazards of tobacco use, in the manipulation of nicotine in tobacco products and in marketing of tobacco products to children.

Dunn, William L., Jr.
Philip Morris, Inc.
120 Park Avenue
New York, NY 10017
(212) 880-5000

Dr. Dunn was the Principle Scientist for the Behavioral Research Program in 1974 and the project leader for the

"smokers psychology" programs for Philip Morris. Dr. Dunn wrote the following reports: Alpha Brain Wave and Smoking; Inhalation Patterns; Teeth Grinding and Smoking; and RDT/TAR Interaction. Dr. Dunn has knowledge of the pharmacology and addictive qualities of nicotine known by Philip Morris and the tobacco industry in the 1960's and 1970's.

Farone, William A., Ph.D., President
Applied Power Concepts, Inc.
1738 N. Neville Street
Orange, CA 92665-4214

Farone has knowledge of Philip Morris' and the tobacco industry's manufacturing techniques to monitor and manipulate nicotine and tar deliveries in cigarettes.

Finkner, A.L.
Research Triangle Institute
Durham, NC 27709
(919) 541-6000

Dr. Finkner attended the meeting of the Research Directors of Brown & Williamson, Philip Morris, & Liggett & Myers at Liggett & Myers Operations Center in Durham, North Carolina on May 24, 1968. The objective of the meeting was to determine the variation and the amounts of FTC tar exposure which various groups of the population encounter when smoking various cigarettes. The meeting was open to Drs. Finkner and Sweeney to discuss proposed Phases II and III of this project. Dr. Finkner also attended the December 7, 1967 meeting at the Research Triangle Institute regarding individual's smoke exposure. Dr. Finkner has knowledge regarding smokers' "compensation" techniques and the inaccuracies of the FTC method for measuring tar/nicotine exposure to smokers.

Garrison, Walt
United States Tobacco Company
100 West Putnam Avenue
Greenwich, CT 06830
(203) 661-1100

Garrison has knowledge of United States Tobacco Company's and the tobacco industry's participation in public fraud and disinformation campaign relative to health hazards of tobacco use, in the manipulation of nicotine in tobacco products and

in marketing of tobacco products to children.

Goerlitz, David
29 West Factory Road
Berlin, NJ 08009
(609) 768-7884

David Goerlitz is an ex-"Winston man" in ads for Winston. Goerlitz has knowledge of R.J. Reynolds Tobacco Company's marketing practices to target children.

Griscom, Thomas C.
R.J. Reynolds Tobacco Company
401 Main St.
Winston Salem, NC 27101-3818
(901) 741-5000

Thomas Griscom is an executive at R.J. Reynolds Tobacco Company and is knowledgeable regarding creating and marketing a safer cigarette.

Harrington, Milton E.
Liggett Group, Inc.
300 North Duke Street
Durham, NC 27702
(919) 683-9000

Milton E. Harrington in 1934 served as a factory manager, leaf buyer and leaf supervisor. He became member of the Board of Directors from 1955 through 1977. He was Vice President of Leaf from 1960 through 1962. From 1962 through 1963 he was Chief Executive Office of the Durham, North Carolina operations. In 1963 he became Executive Vice President. From 1964 through 1972 he was President and Chief Executive Officer of Liggett and Myers Tobacco Company. In 1973 he became Chairman of the Board for Liggett and Myers Tobacco Company. Harrington has knowledge of Liggett's and the tobacco industry's participation in public fraud and disinformation campaign relative to health hazards of tobacco use, in the manipulation of nicotine in tobacco products and in marketing

of tobacco products to children.

Heep, Harriett
New Orleans, LA

Harriett Heep is the former fiancé of Dr. Ronald Tamol, 30 year researcher and Head of Brand Development for Philip Morris. Through her relationship with Dr. Tamol, Heep has knowledge of Philip Morris' document retention, destruction policies, Research & Development, marketing strategies which target adolescents, and witness intimidation tactics.

Herter, Ulrich
B.A.T. Industries p.l.c.
Windsor House
50 Victoria St.
London, England

Herter has knowledge of the operations of B.A.T. Industries p.l.c., BATCo, Brown & Williamson and Souza Cruz. Herter has knowledge of the development and commercialization of Y-1 tobacco.

Homberger, Freddy
Bio Research Consultants, Inc.
9 Commercial Ave.
Cambridge, MA 02141
(617) 864-8735

Dr. Freddy Homberger was founder of Bio-Research Institute (BRI). BRI conducted a study for the Council for Tobacco Research (CTR) on hamsters. Homberger has knowledge of the tobacco industry's tactics to suppress scientific information adverse to the tobacco companies.

Horrigan, Edward J.
R.J. Reynolds Tobacco Company
401 Main St.
Winston Salem, NC 27101-3818
(901) 741-5000

Edward J. Horrigan was in charge of domestic tobacco operations in 1980 after working on the international side for two years. He later became President of the company. He is knowledgeable in both the national and international

operations of R.J. Reynolds Tobacco Company.

Jacob, Medinger & Finnegan
1270 Avenue of the Americas
Rockefeller Center
New York, NY 10020-1700
(212) 332-7700

Ed Jacob and Tim Finnegan, partners, worked with the law firm of Jacob, Medinger & Finnegan. They have knowledge and/or participated directly in the tobacco industry's suppression of scientific research, directed the Center for Tobacco Research (CTR) special projects and conspired to wrongfully employ the attorney/client, and/or attorney work product privileges to prevent the production of tobacco industry documents. These documents show the industry's participation in the public disinformation campaign on nicotine in tobacco products and smoking and health issues.

Johnson, F. Ross
R.J. Reynolds Tobacco Company
401 Main Street
Winston Salem, NC 27101-3818
(901) 741-5000

F. Ross Johnson was President and Chief Executive Officer of RJR Nabisco. R.J. Reynolds Tobacco Company and RJR Nabisco merged in 1985 and Johnson remained as Chief Executive Officer. Johnson has knowledge of R.J. Reynolds Tobacco Company's and the tobacco industry's participation in the public disinformation campaign of the health hazards of tobacco, the manipulation of nicotine in tobacco products and the marketing of tobacco products to children.

Johnston, James W.
R.J. Reynolds Tobacco Company
401 Main St.
Winston Salem, NC 27101-3818
(901) 741-5000

James W. Johnston was CEO of R.J. Reynolds Tobacco Company's domestic tobacco in 1989 and is knowledgeable regarding the evolution of Joe Camel and the marketing strategies for various other cigarette brands. He also testified in front of the Waxman subcommittee. Johnston has

knowledge of R.J. Reynolds Tobacco Company's and the tobacco industry's participation in the public disinformation campaign regarding the health hazards of tobacco use, the manipulation of nicotine in tobacco products and the marketing of tobacco products to children.

Jones, S.T.
Lorillard Tobacco Company
One Park Avenue
New York, NY 10021-8087
(212) 545-3000

S. T. Jones co-wrote an article with Alexander Spears entitled "Chemical and Physical Criteria for Tobacco Leaf of Modern Day Cigarettes" written for the 35th Tobacco Chemists Research Conference. Jones has knowledge concerning the levels of nicotine in tobacco cigarettes.

Judge, Curtis
Lorillard Tobacco Company
One Park Avenue
New York, NY 10021-8087
(212) 545-3000

Curtis Judge was a former President and CEO of Lorillard during the 1980's. Besides operational familiarity of Lorillard, Judge has knowledge concerning the interaction of his organization with the Center for Tobacco Research. Judge has knowledge of Lorillard Tobacco Company's and the tobacco industry's participation in the public disinformation campaign regarding the health hazards of tobacco use, the manipulation of nicotine in tobacco products and the marketing of tobacco products to children.

Kastenbaum, Marvin
The Tobacco Institute, Inc.
1876 I Street, NW
Suite 800
Washington, DC 20006
(202) 457-4800

Kastenbaum has knowledge of The Tobacco Institute's and the tobacco industry's participation in the public disinformation campaign regarding the health hazards of tobacco use, the manipulation of nicotine in tobacco products and the marketing of tobacco products to children.

Katz, Stanley
R.J. Reynolds Tobacco Company
401 Main St.
Winston Salem, NC 27101-3818
(901) 741-5000

Stanley Katz is knowledgeable regarding R.J. Reynolds Tobacco Company advertising and marketing strategies. He was an Advertising Executive in the late 1970s and early 1980s.

Kersey, Robert L., Jr.
Liggett Group, Inc.
300 North Duke Street
Durham, NC 27702
(919) 683-9000

Robert L. Kersey, Jr., was Vice President and Director of Research Department in 1975 through 1983.

He was a former head of Tobacco Research at Liggett and Myers and has information regarding the connection between the Center for Tobacco Research and Hill and Knowlton.

Lake, Dr. Robert S.
Lorillard Tobacco Company
One Park Avenue
New York, NY 10021-8087
(212) 545-3000

Dr. Robert S. Lake was a research Scientist in 1990's in Greensboro, NC. Lake has intimate knowledge concerning biologically active ingredients and/or chemicals and their interaction with the immune system. Lake also has information regarding nicotine research.

Lauria, Tom
The Tobacco Institute
1876 I Street, NW, Suite 800

Washington, DC 20006
(202) 457-4800

Lauria has knowledge of the Tobacco Institute's and the tobacco industry's participation in the public disinformation campaign regarding health hazards of tobacco use, the manipulation of nicotine in tobacco products and the marketing of tobacco products to children.

Lincoln, Jetson
Philip Morris, Inc.
120 Park Avenue
New York, NY 10017
(212) 880-5000

Jetson Lincoln worked for Philip Morris - U.S.A. for 25 years. His titles include Director and Assistant Director of Marketing Research, Vice-President of Strategic Research, Director of Marketing-Planning Tobacco Production-Consumer Product Division, and most recently Vice-President of Philip Morris, Inc. Lincoln has knowledge regarding the health hazards and addictiveness of tobacco products and the marketing of cigarettes to youths.

Long, Gerald H.
R.J. Reynolds Tobacco Company
401 Main St.
Winston Salem, NC 27101-3818
(901) 741-5000

Gerald H. Long was a marketing and sales aid to Edward J. Horrigan. He is knowledgeable regarding the marketing and sales strategies used by R.J. Reynolds Tobacco Company, specifically the repositioning of *More* as a woman's cigarette.

He was President of R.J. Reynolds Tobacco Company in 1986. Long has knowledge of R.J. Reynolds Tobacco Company's and the tobacco industry's participation in the public disinformation campaign regarding the health hazards of tobacco use, the manipulation of nicotine in tobacco products and the marketing of tobacco products to children.

Maxwell, Hamish
Philip Morris, Inc.
120 Park Avenue
New York, NY 10017
(212) 880-5000

Hamish Maxwell was Chairman of the Board and CEO of Philip Morris, Inc. in 1991. In 1994, he was on the Board of Directors of Philip Morris, Inc. Also, Maxwell was Chairman of the Executive Committee of Philip Morris, Inc. Currently he is retired. Maxwell has knowledge of Philip Morris' and the tobacco industry's participation in public fraud and disinformation campaign relative to health hazards of tobacco use, in the manipulation of nicotine in tobacco products and in marketing of tobacco products to children.

McMahon, J.P.
4351 Oak View Drive
Sarasota, FL 34232
(941) 377-4474

J.P. McMahon is the Sales Division Manager in Florida and is knowledgeable regarding youth marketing and youth access to cigarettes.

Mele, Paul C., Ph.D.
Behavioral Science Dept.
Armed Forces Radiology Research Institute
Bethesda, MD 20814-5145

Paul Mele was a research scientist with Philip Morris from 1980 until 1984. Mele worked for the Department of Defense in 1994. Mele is an environmental toxicologist. He was a key researcher at a Philip Morris laboratory in Richmond, VA from 1980 until 1984. He was second-in-charge of Victor DeNoble's lab. Mele also testified before the Waxman Subcommittee on April 28, 1994. Mele has knowledge of the addictiveness of cigarettes, and the tobacco industry's

suppression of science.

Mold, James D.
Liggett Group, Inc.
300 North Duke Street
Durham, NC 27702
(919) 683-9000

Dr. James D. Mold went to work as a scientist for Liggett & Myers in 1955. He was an Assistant Research Director for Liggett in 1979. He was assigned to identify the ingredients in cigarette smoke that caused cancer in mice. For 25 years, Mold worked on a project to develop a safer cigarette. By 1980, he had developed a cigarette that would be safe to smoke. Mold concluded that cigarette smoking contributed to lung cancer in human beings. Mold has knowledge of the health hazards of tobacco products and the suppression of research and development by the tobacco industry.

Osdene, Thomas
Director of Research
Philip Morris, Inc.
120 Park Avenue
New York, NY 10017
(212) 880-5000

Dr. Osdene was the Director of Research at Philip Morris in the early 1980's and he reported to the Vice President of Research, Bob Seligman, until 1982, and to Max Hauserman, as Seligman's successor, from 1982 onward. As the Director of Research, various managers of different departments reported directly to him. The Biochemistry Manager, Dr. Charles, reported to him directly. Dr. Osdene was later promoted to Philip Morris' "Senior Director of Science and Technology" position in the mid 1980's. He has knowledge regarding nicotine addiction, nicotine manipulation and disease/cancer causation.

Parrish, Steven C.
Philip Morris, Inc.
120 Park Avenue
New York, NY 10017
(212) 880-5000

Steven C. Parrish is the Senior Vice President and General Counsel for Philip Morris-U.S.A. In 1990 he worked on

the EPA's draft risk assessment and draft work place policy guide on environmental tobacco smoke. During this time, he was Vice President of Corporate Scientific Affairs for Philip Morris.

Parrish was a member of the firm of Shook, Hardy & Bacon beginning in 1975 and became a partner in 1980. He has knowledge of Philip Morris' and the tobacco industry's participation in public fraud and disinformation campaign relative to health hazards of tobacco, the manipulation of nicotine in tobacco products and marketing of tobacco products to children.

Ryan, Frank J.
Research Scientist at
Philip Morris, Inc.
120 Park Avenue
New York, NY 10017
(212) 880-5000

Dr. Ryan was a Research Scientist involved in the Behavioral Research Program in 1974 at Philip Morris. In the early to mid 1980's Dr. Ryan filmed people smoking filtered cigarettes and discovered that 90 percent of smokers crushed the filters or covered up the dilution holes with their mouths; these tests showed that FTC cigarette machines test vastly under estimated the amount of nicotine that was reaching the smokers of filtered cigarettes. Dr. Ryan and Dr. Victor DeNoble did a research study in 1982 where they associated cigarette brand sales with nicotine and acetaldehyde levels. He has knowledge regarding nicotine addiction, nicotine manipulation and disease/cancer causation.

Rivers, Jerome
6922 Vaughn Road
Petersburg, VA 23805
(804) 723-8265

Jerome Rivers has knowledge of the monitoring and manipulation of nicotine content in the cigarette manufacturing process of Philip Morris.

Schori, Tom
Research Scientist
Philip Morris, Inc.

120 Park Avenue
New York, NY 10017
(212) 880-5000

Tom Schori was a Research Scientist involved in the Behavioral Research Program in 1974 at Philip Morris. In 1974, Schori was involved in writing a report regarding the "Low-delivery Cigarettes and Increased Nicotine to Tar Ratios (DL-1)" a 10.7 mg tar cigarette with a nicotine/tar ratio of .12 (commercial ratio averages .07) was found to be comparable both in acceptability rating and strength rating. Schori also wrote the following projects: Smoking and Risk-Taking; Smoking, Arousal and Mood Change; and Smoke (or Inhalation) Impact. Schori has knowledge regarding nicotine/addiction, nicotine manipulation, and disease/cancer causation.

Seligman, Robert B.
Philip Morris, Inc.
120 Park Avenue
New York, NY 10017
(212) 880-5000

Robert Seligman was a Philip Morris employee until he retired in 1982. Previously he was an employee for the Council for Tobacco Research (CTR). Robert Seligman was Philip Morris' Vice President of Research from the early 80's until his retirement in 1982. As the Vice President of Research Seligman reported directly to the President of Philip Morris in New York. Dr. Seligman was aware of Victor DeNoble's research regarding nicotine analogs. He has knowledge regarding nicotine addiction, nicotine manipulation and disease/cancer causation.

Senkus, Murray
Research Director
R.J. Reynolds Tobacco Company
401 Main St.
Winston Salem, NC 27101-3818
(901) 741-5000

Murray Senkus attended a meeting of the Research Directors of Brown & Williamson, Philip Morris, & Liggett & Myers at Liggett & Myers' Operations Center in Durham, North Carolina on May 24, 1968. The objective of the meeting was to determine the variation and the amounts of FTC tar exposure

which various groups of the population encounter when smoking various cigarettes. In 1984, Dr. Senkus was a consultant on CTR's "Special Projects #4". He has knowledge regarding nicotine addiction, nicotine manipulation and disease/cancer causation.

Shaw, Mike
R.J. Reynolds Tobacco Company
401 Main St.
Winston Salem, NC 27101-3818
(901) 741-5000

Mike Shaw was a salesman for 20 years in Florida and is knowledgeable on young adult smoking (YAS) accounts 1984.

Shook, Hardy & Bacon
1200 Main Street
Kansas City, MO 64105
(816) 474-6550

Partners of the law firm, Shook, Hardy & Bacon P.C., including, but not limited to David Hardy, Donald K. Hoel, Patrick Sirridge and Bill Shinn, have knowledge of and/or participated directly in the tobacco industry's suppression of scientific research, directing the CTR special projects and conspired to wrongfully employ the attorney/client, or attorney work product privileges to prevent the production of tobacco industry documents which show the industry's participation in public fraud and disinformation campaign relative to the health hazards of tobacco use and in the manipulation of nicotine in tobacco products.

Spach, Mrs. Jo F.
Manager, Public Information
Public Relations Department
R.J. Reynolds Tobacco USA
401 Main St.
Winston Salem, NC 27102
(212) 741-5000

Spach has knowledge of a 1990 disinformation letter directed to 5th grade class at Willow Ridge School in Amherst, NY.

Sullivan, Terrence
7929 SE Doubletree Drive
Hobe Sound, FL 33455
(407) 287-2681

Terrence Sullivan is/was a sales representative in Florida. He is knowledgeable of Young Adult Smoking (YAS accounts)-1989. Including the targeting by R.J. Reynolds Tobacco Company of junior high and high school kids.

Tamol, Ronald
1004 Stillwell Rd.
Richmond, VA 23226
(804) 288-6062

Ronald Tamol was a researcher for Philip Morris for thirty years. As head of Brand Development, Dr. Tamol is knowledgeable regarding Philip Morris' marketing strategies and theories on Research & Development.

Teage, Jr., Claude E.
R.J. Reynolds Tobacco Company
401 Main St.
Winston Salem, NC 27101-3818
(901) 741-5000

Claude Teague was the Assistant Chief in Research and Development in the Spring of 1972. He is knowledgeable on the technical aspects of smoke and nicotine as it relates to the psychological effects of smoking. Teague is also knowledgeable regarding youth marketing and influencing pre-smokers to try smoking. He also is knowledgeable regarding research programs for youth brands, including the characteristics desirable for beginning smokers ages 13-17.

Tisch, Andrew H.
Lorillard Tobacco Company
One Park Avenue
New York, NY 10021-8087
(212) 545-3000

Andrew H. Tisch was Chairman and Chief Operating Officer of the Lorillard Tobacco Company during the mid 1990's. Tisch testified before the House Energy and Commerce Committee, Subcommittee on Health and the Environment "Waxman hearings" on April 14, 1994. Tisch has knowledge of Lorillard Tobacco Company's and the tobacco industry's participation in public fraud and disinformation campaign relative to health hazards of tobacco use, in the manipulation of nicotine in tobacco products and in marketing of tobacco products to children.

Uydess, Ian
4309 Morthwich Ct.
Midlothian, VA 23112
(804) 977-3390

Uydess has knowledge of Philip Morris' monitoring and manipulation of nicotine levels in the cigarette manufacturing process.

Velcher, Gary
R.J. Reynolds Tobacco Company
401 Main St.
Winston Salem, NC 27101-3818
(901) 741-5000

Gary Velcher is a chain store account manager in South Florida for R.J. Reynolds. He is knowledgeable regarding the Young Adult Smokers (YAS) campaign which focused on youth access. He is also knowledgeable on R.J. Reynolds Tobacco Company's document retention and destruction policy related to the YAS campaign.

Warlick, R.G.
R.J. Reynolds Tobacco Company
401 Main St.
Winston Salem, NC 27101-3818
(901) 741-5000

R.G. Warlick is the Regional Sales Manger in Oklahoma and is knowledgeable on youth marketing and young adult smoking (YAS).

Wells, III, J. Kendrick
3725 Hillsdale Rd.

Louisville, KY 40222
(502)429-5785

J. Kendrick Wells, III is assistant general counsel for production for litigation for Brown & Williamson Tobacco Corporation. Wells has knowledge of the editing, suppression and control of scientific research on tobacco and health; the destruction and/or concealment of documentary evidence; and BAT Industries p.l.c., BATCo and Brown & Williamson operations.

Wilson, J. Tylee
R.J. Reynolds Tobacco Company
401 Main St.
Winston Salem, NC 27101-3818
(901) 741-5000

J. Tylee Wilson is knowledgeable regarding international tobacco operations at R.J. Reynolds Tobacco Company. He became President of the company in 1979. Wilson has knowledge of R.J. Reynolds Tobacco Company's and the tobacco industry's participation in the public disinformation campaign regarding the health hazards of tobacco use, the manipulation of nicotine in tobacco products and the marketing of tobacco products to children.

Wigand, Jeffrey S.
1105 Hillisdale Road
Louisville, KY 40222
(502) 429-5785

Jeffrey S. Wigand has knowledge regarding the addictiveness and health hazards of cigarettes and the acts of Brown & Williamson officers to conceal information. Wigand also has knowledge of witness intimidation by the tobacco industry and suppression of research and development of safer tobacco products.

Zahn, Leonard
Leonard Zahn & Associates, Inc.
13 Lincoln Road
P.O. Box 223
Great Neck, NY 11022

Leonard Zahn is knowledgeable regarding the issues of this case relative to the tobacco industry's suppression of adverse scientific research and Council for Tobacco Research's (CTR) disinformation campaigns through his work as a long-time publicist for CTR.

II.
DOCUMENTS
[Article (1)(a)(ii)]

The following documents were disclosed and delivered to the Defendants on June 5, 1996:

1. Bates ranges: DOCS1-DOCS723;
2. Bates ranges: HHSC1-HHSC7226; and
3. Bates ranges: UCSF1-UCSF1545.

The following documents are hereby disclosed in Plaintiff's First Amended and Supplemental Initial Disclosure:

1. Texas Health and Human Services Commission, Bates ranges: HHSC7226.01-HHSC24150;
2. Texas Department of Human Services, Bates ranges: TDHS1-TDHS5489;
3. University of Texas System, Bates ranges: UTS1-UTS6559;
4. Texas Department of Health, Bates ranges: TDH1-TDH9374;
5. Texas Department of Health - Policy and Operations Division, Bates ranges: TDH1POD-TDH9230POD;
6. Texas Department of Health - Office of Smoking and Health, Bates ranges: TDH1OSH-TDH15112OSH;
7. Texas Department of Health - Bureau of Vital Statistics, Bates ranges: TDH1BVS-TDH2887BVS;
8. Texas Department of Health - Texas Department of Health Library, Bates ranges: TDH1LIB-TDH598LIB;

9. Texas Department of Health - Bureau of State Health Data and Policy Analysis, Bates ranges: TDH1BDPA-TDH1410BDPA;
10. Texas Ethics Commission, Bates ranges: ECOT1-ECOT809;
11. Employees Retirement Service of Texas, Bates ranges: ERS1-ERS1608;
12. Texas Department on Aging, Bates ranges: TDOA1-TDOA74;
13. Texas Department of Agriculture, Bates ranges: TDA1-TDA15;
14. Comptroller of Public Accounts, Bates ranges: CPA1-CPA284;
15. Comptroller of Public Account - Criminal Investigations Division, Bates ranges: CPA1CID-CPA4694CID;
16. Texas Incentive and Productivity Commission, Bates ranges: IAPC1-IAPC57;
17. Texas Department of Mental Health and Mental Retardation; Bates ranges: MHMR1-MHMR508;
18. Office of Prevention of Developmental Disabilities, Bates ranges: OPDD1-OPDD55;
19. Texas Education Agency, Bates ranges: TEA1-TEA273;
20. Texas Commission on Drug and Alcohol Abuse, Bates ranges: TCADA1-TCADA6187;
21. State Historical Society of Wisconsin, Bates ranges: SHSW1-SHSW3175;
22. The State Auditor's Office, Bates ranges: SA01-SAO770;
23. University of A&M System, Bates ranges: A&MS1-A&MS169; and
24. Texas State Treasury - Tobacco Tax Division, Bates ranges: TST1TTD-TST2127TTD

that are likely to bear significantly on claims and defenses raised in this case. Additional documents will be made available as soon as practicable as efforts are continuing to locate, identify and copy documents for purposes of disclosure.

Plaintiff, the State of Texas, has stored by its various agencies in the form of computer data and data tapes that is likely to bear on claims and defenses raised in this case. Counsel for Plaintiff have notified counsel for the Defendants that they will provide this information subject to applicable confidentiality laws as soon as a mutually agreeable method for production of the data can be worked out.

Plaintiff also possesses or has access to various publicly available documents that may bear on claims and defenses raised in this case including:

- a. U.S. Surgeon General Reports.
- b. Reports and data published by agencies of the United States Government, such as the U.S. Department of Health Education and Welfare, the National Institutes of Health, the Department of Health and Human Services, the Center for Disease Control and Prevention, the Public Health Service, and the Census Bureau.

- c. Publications of the American Cancer Society.
- d. Print and broadcast media reports regarding the tobacco industry and the health-effects of smoking.
- e. Publications in scientific and medical journals regarding cigarettes and the health-effects of smoking.
- f. The Brown & Williamson Collection, Tobacco Central Archives, University of California San Francisco Library and Center for Knowledge Management (accessible via the Internet @ HTTP:\\www.library.UCSF.edu\tobacco).

Because this information is readily obtainable from other sources and because Defendants in all likelihood already possess this information, Plaintiff has not provided copies as part of this disclosure.

Additionally, Plaintiff has possession of documents that defendants already have and are thus not being reproduced as follows:

1. Plaintiffs' exhibits in Cipollone;
2. Documents referenced in the FDA Proposed Rule and Statement of Jurisdiction (1994);
3. Documents produced by defendants to Ness, Motley, Loadholt, Richardson & Poole in Dunn, Butler;
4. Jerome Rivers' deposition and attachments thereto;

5. J. Kendrick Wells' deposition and attachments thereto;
6. James Glenn's deposition and attachments thereto; and
7. Waxman Committee documents.

Plaintiff continues to work to identify documents that fall within the scope of Article Two(1)(a)(ii) and will supplement this disclosure in accordance with Article Two (5).

III.
DAMAGES
[Article (1)(a)(iii)]

This suit is intended to recover damages suffered by the State of Texas for the conduct set forth in the First Amended Complaint. The damages to the State generally fall into the following categories:

- A. Medicaid damages
- B. Damages to the employee insurance and retirement system
- C. Damages resulting from health care provided by State funded health care providers that are not included in the Medicaid damages.

These initial computations are subject to continuing analysis and will be revised or supplemented if and as necessary. Certain assumptions and calculations are likely to change as additional information is accumulated. Since past damages are increasing daily, these damages will continue to increase.

Additionally, the damages pursuant to the antitrust laws, consumer protection laws and RICO provide for the award of attorney's fees and other costs.

A. Medicaid Damages.

Damages to the State of Texas begin with the inception of the Medicaid program in Texas in September 1967. The Medicaid Act itself was established by Title XIX of the Social Security Amendments Act of 1965.

Medicaid functions in two major ways: (1) as a kind of basic health insurance program; and (2) as a funding source for service to the aged and people with disabilities or with chronic long-term care needs.

Medicaid is financed jointly by the Federal government and the states. Texas' matching rate for federal fiscal year 1994 is 64.18%. That is, the state must pay 35.82% of most Medicaid costs. Documents being provided to the Defendants provide this ratio for each year that it is available.

Under Texas law, the Texas Health and Human Services Commission (HHSC) has acted as the single agency for the Medicaid program since January 1993. Within HHSC, the Medicaid program is administered by the State Medicaid Director, Linda Wertz.

The number of Texans covered by Medicaid may be stated in

several ways. One way is the "unduplicated count" which for the federal fiscal year 1993 was 2,308,443. Another way to state the Medicaid case load is the "monthly average" number of clients, which for federal fiscal year 1993 was 1,917,479.

Additionally, in federal fiscal year 1993 there were about 358,000 "eligibles", which are persons enrolled in Medicaid, but who never actually incurred any claims. Documents being produced to the Defendants will provide this information for each available year.

The Center for Disease Control (CDC) has developed a computer model for estimating health care costs attributable to smoking. The latest version is called SAMMEC 2.1. The details of SAMMEC 2.1 are set forth in government documents that are being provided to the Defendants in the initial disclosure documents. Rather than repeating the details of the model in this document, the Defendants are referred to the complete document that has been produced.

Recently the CDC has begun developing a different model for estimating a smoking attributable fraction (SAF) that indicates the percentage of direct health care expenditures due to smoking. This method was described in the July 8, 1994 edition of CDC's Morbidity and Mortality Weekly Report, Volume 43, No. 26. A copy of this article has been produced to the

Defendants.

The team of scientists gathered by CDC received funding from the Robert Wood Johnson Foundation in addition to the CDC.

Rather than attempting to interpret the work of these scientists, a copy of their article is attached as Exhibit "A". The article is entitled "State Estimates of Publicly Funded Direct Medical-Care Expenditures Attributable to Cigarette Smoking, Results for Mississippi, 1980-1993."

The CDC team of experts has calculated damages to the State of Texas for the years 1980-1993, see Exhibit "B". That total is \$2,223,720,000. The CDC team has put a present value on these past damages at \$3,054,390,000. When 1994, 1995, and 1996 damages are added, the total will likely exceed \$4 billion for past damages.

Future damages are believed to exceed \$400 million per year. These yearly damages are expected to increase at a rate that exceeds the discount rates.

Punitive damages will be determined by the jury.

The State has asked for the recovery of attorney's fees and costs, which will be calculated as the case progresses.

These damage figures will undoubtedly be revised and fine tuned before the trial of this case. Plaintiff believes that

the amounts disclosed are extremely conservative and that these numbers will be revised upward.

B. Damages to the employee insurance and retirement system.

The State seeks damages for past and future State funds spent for tobacco attributable health care costs incurred by the State in providing health-benefits to its retirees, employees, and their dependents. All State employees are provided health benefits by the State through the Employees Retirement System of Texas, the University of Texas System, or the Texas A&M University System. All three systems provide to their employees self funded health care plans and insured health care plans. For the most recent year, the cost incurred by the State in providing health care benefits through the Employees Retirement System of Texas, the University of Texas System, and the Texas A&M University System was approximately 1.2 billion, although a portion of the number includes premiums paid by employees for dependents.

A significant amount of this number, is attributable to tobacco use. The State seeks damages for many years in the past and future. The underlying documents concerning this

element of damages are being provided as part of the disclosure. Additionally, Exhibit "B" addresses the computations given as an example using the State of Mississippi.

- C. Damages resulting from health care provided by State funded health care providers that are not included in the Medicaid damages.

The State seeks damages for past and future State funds spent for tobacco attributable medical costs incurred by certain State funded hospitals. The principle State funded hospitals include, among others, the University of Texas Medical Branch-Galveston, the University of Texas M.D. Anderson Cancer Center, the University of Texas Health Science Center-Tyler, and two hospitals operated by the Texas Department of Health: the South Texas Hospital in Harlingen, Texas and the Center for Infectious Disease in San Antonio, Texas. The amount of funds expended by the hospitals for unreimbursed medical care is not known at the time of this disclosure. The State will supplement its disclosure with this information when it is available. However, a significant portion of the amount is attributable to tobacco related medical care. The underlying documents concerning this element of damages are being provided as part of the disclosure.

IV.
INSURANCE AGREEMENTS
[Article (1)(a)(iv)]

Not applicable.

V.
PRIVILEGED DOCUMENTS
[Article (1)(a)(v)]

The computer data and data tapes identified in Section II contain privileged medical information regarding individuals not a party to this case and therefore must be redacted prior to production.

For purposes of compliance with Section (1)(a)(v) of Article Two, Plaintiff contends that the employees of state agencies of the State of Texas identified in this disclosure should be considered as clients and/or client representatives for purposes of Rule 26(b)(1), Fed.R.Civ.P. Defendants are hereby notified that, prior to contacting, communicating or attempting to conduct discovery by any other means from state employees, Defendants must notify Plaintiff's counsel of their intent to do so and are prohibited from contacting said State employee directly.

Pursuant to Fed.R.Civ.P. 26(b)(5) and Article Two (1)(a)(v) of the Courts Civil Justice Expense and Delay Reduction Plan, Plaintiff, the State of Texas, submits its privilege log as Exhibit "C".

VI.
MEDICAL AND EARNINGS RECORDS
[Article (1)(a)(vi)]

Not applicable.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Plaintiff's First Amended and Supplemental Initial Disclosure has this the 24th day of July, 1996 been properly forwarded to all known counsel of record as attached hereto as Exhibit "1" by hand delivery and/or facsimile and/or first class mail and/or Federal Express.

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