

One cannot help wondering whether this litigation was the best vehicle for attempting

★ hold Defendants accountable for their indifference to the health of American citizens. In a democracy, it is the body elected by the people, namely Congress, that should step up to the plate and address national issues with such enormous economic, public health, commercial, and social ramifications, rather than the courts which are limited to deciding only the particular case presented to them in litigation. However, this will certainly not be the first, nor the last, time that litigants seek to use the courts and existing legislation to address broad-scale economic and social problems which might be far better and more appropriately grappled with by our elected representatives. "Litigant" here was the USA (DOJ)!

★ Odd to hear a judge asserting the USA is a "democracy" and not a republic. Is the "Pledge of Allegiance" recited (or still familiar) in such circles?

The eleven Defendants were: Philip Morris, Inc., now Philip Morris USA, Inc.

("Philip Morris"), R.J. Reynolds Tobacco Co., now Reynolds American ("R.J. Reynolds"), Brown & Williamson Tobacco Co., now part of Reynolds American ("Brown & Williamson"), Lorillard Tobacco Company ("Lorillard"), The Liggett Group, Inc. ("Liggett"), American Tobacco Co., merged with Brown & Williamson which is now part of Reynolds American ("American Tobacco"), Philip Morris Cos., now Altria ("Altria"), B.A.T. Industries p.l.c. ("BAT Ind."), now part of BATCo, British American Tobacco (Investments) Ltd. ("BATCo"). The Council for Tobacco Research--U.S.A., Inc. ("CTR"), and The Tobacco Institute, Inc. ("TI"). The latter two entities do not manufacture or sell tobacco products, but are alleged to be co-conspirators in Defendants' tortious activities. BAT Ind. has been dismissed for lack of personal jurisdiction. All Defendants but Liggett joined together in common defense (the "Joint Defendants"). In 2005, ~~the Court granted the Motion of British American Tobacco Australian Services, Ltd. ("BATAS") to intervene for the limited purpose of asserting and protecting its interests in litigation documents. Order #449.~~

Here, subject-matter research institutes (the subject matter being Tobacco) were Defendants, and subject to the Court as co-conspirators in Defendants' tortious-activities (a main surviving cause of action having been RICO). Make a note that this situation thus might exist (and I am thinking of certain ones) in other large-scale "industries" in similar RICO fashion. //LGH @ familycourtatters.wordpress.com (see "4th Quarter Review 2016" posts for a sampler)

(This marking is an oversight, please ignore)