

SUPPLEMENTAL NOTICE FROM MIAMI-DADE COUNTY CIRCUIT COURT

FLORIDA SMOKERS, EX SMOKERS AND SURVIVORS OF SMOKERS MAY BE ELIGIBLE TO SHARE IN A TRUST FUND OF OVER \$700 MILLION

I. HISTORY

The Engle Class Action was filed in 1994 and went to trial against the tobacco industry in July 1998. *Howard A. Engle, M.D. et al., (plaintiffs) v. R.J. Reynolds Tobacco Company, Phillip Morris, Inc., Brown & Williamson Tobacco Corp., individually and as successor to American Tobacco co., Lorillard Tobacco Co., Lorillard, inc., Liggett Group, Inc., Brooke Group Holdings, Inc., f/k/a Brooke Group, Ltd., Inc., Council for Tobacco Research U.S.A. and Tobacco Institute* (Defendants), Case No. 94-08273 CA (22) Dade County Circuit Court. This Notice addresses a distinct, unprecedented monetary fund of over \$700 million (the “Engle Trust Fund”) created for the class by Susan and Stanley Rosenblatt, counsel for the class. The Engle Trust Fund is approaching \$800 million.

II. QUALIFIED ENGLE CLASS MEMEBERS ARE ELIGIBLE FOR A SHARE OF THE TRUST MONEYS

You may be qualified to receive a monetary distribution form the Engle Trust Fund if: 1) you (or your decedent) smoked cigarettes and 2) developed one or more of the diseases and/or medical conditions mentioned below, and 3) that disease of medical condition was first diagnosed or first manifested itself (first appeared) on or before November 21, 1996, which is the class cut-off date established by the Florida Supreme Court.

Aortic aneurysm

Bladder cancer

**Cerebrovascular disease
(including stroke)**

Cervical cancer

**Chronic obstructive pulmonary disease-COPD
(including emphysema)**

**Coronary heart disease
(including cardiovascular disease,
hardening of the arteries, atherosclerosis,
coronary artery disease and arteriolosclerosis,
angina, abnormal blood clotting, blood vessel
damage, myocardial infarcion (heart attack))**

Esophageal (throat) cancer

Kidney cancer

Laryngeal (throat or voice box) cancer

Lung cancer

**(including adenocarcinoma, large
cell carcinoma, small cell
carcinoma, squamous cell
carcinoma)**

Complication of pregnancy (miscarriage)

Oral cavity/tongue cancer

Pancreatic cancer

**Peripheral vascular disease
(including Buerger’s disease)**

Pharyngeal cancer

Stomach cancer

III. THE ENGLE TRUST FUND IS NOT A SETTLEMENT OF CLASS MEMBERS’ CURRENT OR FUTURE INDIVIDUAL CLAIMS

Qualified Engle class members are eligible to receive money from the Engle Trust Fund **without** giving up existing or future individual claims against any defendants. The Engle Trust Fund distributions are separate from your rights in any individual lawsuit for damages for personal injury or death from smoking except for the possibility of a set off depending on the payment plan adopted by the Court. Class members who choose not to bring their own lawsuits are still eligible to receive money from the Engle Trust Fund.

IV. A HEARING WILL BE HELD ON APRIL 15, 2008

A. Allocation Plans Considered

A hearing will be held before the Honorable David C. Miller in Courtroom 4-3 of the Circuit Court of the Eleventh Judicial Circuit in and for Dade County, Florida at 73 West Flagler Street, Miami, FL 33130 on April 15, 2008 at 9:00 am. The Court will consider comments that have been timely submitted regarding the allocation and distribution of money from the Engle Trust Fund.

B. Attorney's Fees Considered

The Court will also consider whether to grant Class Counsel's application for attorney's fees of \$218,000,000 and reimbursement of costs not to exceed \$5,000,000. This application is for the substantial work performed by Class Counsel over a period of approximately fifteen years (1993- 2008) in handling all aspects of the Engle class action including the two-year class action trial; multiple appeals in state and federal courts; the creation of the Trust Fund of approximately \$800million and the establishment of multiple findings to be given *res judicate* (binding) effect in class members' lawsuits. The entire Court file in this case, including Class Counsel's fee application, with accompanying affidavits of experts, is available for review at the Office of the Clerk at the Dade County Courthouse.

C. Motions to Intervene will be Considered

The Court will consider timely submitted motions to intervene, written comments and/or objections of qualified class members concerning the allocation of the Engle Trust Fund and/or the attorneys' fees and reimbursement of costs for Class Counsel. To be considered, the plans, objections, and/or Motions to Intervene must be timely filed with the Court with a copy to Judge Miller at 73 West Flagler Street, Room 414, Miami, FL 33130 and Stanley and Susan Rosenblatt at **Engle Trust Fund**, P.O. Box 013241, Miami, FL 33101 and postmarked on or before **March 31, 2008**.

Your submission must include information as to Engle class membership, including

- (1) your and/or the decedent's name, address and date of birth;
- (2) the dates/time frame you (or the decedent) lived in Florida;
- (3) the date (or approximate date) you (or the decedent) was diagnosed with one or more of the diseases or medical conditions listed above or when that disease or medical condition first manifested (appeared); and
- (4) the decedent's date of death and your relationship to the decedent.

Your submission must be signed and dated by the class member, even where the comments or objections are filed by your counsel.

YOU DO NOT NEED TO DO ANYTHING AT THIS TIME TO BE ELIGIBLE TO RECEIVE A SHARE OF THE ENGLE TRUST FUND.

V. YOU WILL, AS REQUIRED, RECEIVE ADDITIONAL INFORMATION

The Court's final determination regarding a plan of distribution of the Engle Trust Fund along with any deadlines and aother applicable information will be provided in further communications to the Class through a supplemental Notice. You may also obtain copies of this Notice and all future Notices by calling 1-(888) 420-1666 or by writing Class Counsel:

Engle Trust Fund
P.O. Box 013241
Miami, FL 33101

DONE and ORDERED this ____ day of February, 2008.

David C. Miller
Circuit Court Judge