

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 99-2496 (PLF)
)	
PHILIP MORRIS USA, INC., <u>et al.</u> ,)	
)	
Defendants.)	
)	

ORDER #123 – REMAND

On May 3, 2022, the parties informed the Court that “[a]fter extensive, months-long discussions and negotiations, [they] have reached an agreement in principle to settle the point-of-sale messaging portion of the corrective-statements remedy.” Joint Motion for Status Conference and Stay of Deadlines [Dkt. No. 6496] at 1. During the May 20, 2022 status conference, the parties further represented to the Court that they are currently working to reduce their agreement in principle into a proposed settlement, will seek this Court’s approval of any settlement, and will request the Court’s entry of a consent decree to enforce the terms of any settlement.

The parties therefore have asked the Court to schedule a fairness hearing to consider and approve any proposed settlement and consent decree. In the Court’s view, convening such a fairness hearing will allow the Court to determine whether any proposed settlement is “fair, adequate, and reasonable,” to consider the rights of retailers, and to hear any objections to the proposed settlement raised by any affected retailers, who will be notified of the parties’ proposed settlement pursuant to a process yet to be determined. See United States v.

Philip Morris USA Inc., 566 F.3d 1095, 1141-42 (D.C. Cir. 2009) (noting that the Court previously “exceeded its authority by failing to consider the rights of retailers and crafting an injunction that works a potentially serious detriment to innocent persons not parties to or otherwise heard in the district court proceedings” and remanding “to evaluate and ‘mak[e] due provision for the rights of innocent persons’” (alteration in original) (quoting 18 U.S.C. § 1964(a)).

Accordingly, it is hereby

ORDERED that the Court will convene a fairness hearing in this matter that will commence in the Ceremonial Courtroom (Courtroom 20) on July 19, 2022, beginning at 10:00 a.m., and will continue, as necessary, on July 20, 2022.

SO ORDERED.

PAUL L. FRIEDMAN
United States District Judge

DATE: May 26, 2022