

IN THE CIRCUIT COURT OF THE 11TH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION

CASE NO.: 94-08273 CA 22

HOWARD ENGLE, M.D.,
et. al.,

Plaintiffs,

vs.

R.J. REYNOLDS TOBACCO CO.,
PHILIP MORRIS INCORPORATED,
etc., et al.,

Defendants,

**ORDER REGARDING DISTRIBUTION AND MODIFICATION
OF SCHEDULING ORDER**

THIS CAUSE came before the Court to be heard upon the Motion of the Trustee, Miles A. McGrane, III, and after being fully advised in the premises, it is


ORDERED AND ADJUDGED as follows:

1. The Notices (attached as Exhibit "A" and Exhibit "B" to this Order) are approved.
2. Paragraph 13 of the Scheduling Order dated April 23, 2008, is hereby amended establishing an extended and new deadline of November 17, 2008 for qualified Engle Class Members who disagree with their Notice of Distribution to present their disagreement.
3. Paragraph 14 of the Scheduling Order dated April 23, 2008, is hereby amended to provide that the Trustee file his Report, including resolution of objections, no later than December 5, 2008.
4. The Trustee's request to commence distribution of the Engle Trust Fund is approved as follows:

- (a) Claimants who have presented claims that have been deemed valid and complete will receive an initial partial distribution of Nine Thousand and No/100 (\$9,000.00) Dollars each.
- (b) The sum needed for this partial distribution is Two Hundred Sixteen Million and No/100 (\$216,000,000.00) Dollars. These funds shall be transferred, forthwith, by Mellon Trust N.E. directly to Signature Bank.
- (c) The Garden City Group, Inc. shall issue checks in the amount of Nine Thousand and No/100 (\$9,000.00) Dollars to each of the claimants whose claim is valid and complete. These checks shall be mailed out forthwith, but in no event later than October 3, 2008.
- (d) As additional claims are deemed valid and complete by The Garden City Group, Inc.; The Garden City Group, Inc., in conjunction with the Trustee, on a bi-weekly basis, shall issue initial \$9,000.00 distributions to these additional claimants. The Trustee shall arrange, without further Order from this Court, to direct that all necessary funds be transferred from Mellon Trust N.E. to Signature Bank to honor these checks.

DONE AND ORDERED in Chambers, in Miami-Dade County, Florida, this 2 day of

Oct., 2008.


CIRCUIT JUDGE

Copies furnished to:
Miles A. McGrane, III, Esquire Trustee
Jennifer Keough, Garden City Group
Stanley M. Rosenblatt, Esquire
Susan Rosenblatt, Esquire

Engle Trust Fund
P.O. Box 91054
Seattle, WA 98111-9154
Toll-Free Telephone: 1-888-420-1666

Notice of Distribution

We have carefully reviewed all of the documentation that you have provided for your claim in the Engle Trust Fund. Your claim is valid and complete.

The attached check represents an initial distribution to you from the Engle Trust Fund. It is anticipated, but not guaranteed, that you will receive an additional supplemental distribution. The supplemental distribution will be made after all claims have been resolved.

Do not call or write the Court, the Trustee or the Clerk of Court for further information. Any inquiries or questions concerning the distribution and allocation process should only be directed to the Claims Administrator by toll-free phone at 1-888-420-1666; by email to EngleTrustFund@gardencitygroup.com; or by sending a written request to Engle Trust Fund, c/o The Garden City Group, Inc., P.O. Box 91054, Seattle, WA 98111-9154.

The attached check must be cashed or deposited within 180 days from the date of the check. After 180 days the check will be null and void.

THERE WILL BE A PERFORATION AT THE LEVEL OF THE LINE ABOVE. THE BOTTOM 1/3 OF THE DOCUMENT WILL BE THE CHECK.

"Exhibit" *A*

Engle Trust Fund
P.O. Box 91054
Seattle, WA 98111-9154
Toll-Free Telephone: 1-888-420-1666

_____, 2008
[to be dated on or before 10/13/08]

Important: Your Claim is Not Valid and/or Complete. You are Not Scheduled to Receive a Distribution from the Engle Trust Fund.

If You Disagree With This Determination, You Must Respond by November 17, 2008.

Dear «name_addr_1»,

We have carefully reviewed all of the documentation that you provided for your claim in the Engle Trust Fund. Your claim is not valid and/or complete.

We previously sent you a letter describing the information required to complete your claim. Your claim is still missing required information. **You are not scheduled to receive a distribution from the Engle Trust Fund.** If you disagree with this determination or if you have recently obtained information that will complete your claim, you must respond by November 17, 2008. Claims that remain incomplete or invalid, will NOT receive a distribution from the Engle Trust Fund. **This is your final notice.**

The information needed for your claim is described below.

If you disagree with this determination or if you have recently obtained information that will complete your claim, please return to the address above: a copy of this letter and an explanation of the reason(s) why you disagree or submit the new information you have obtained to cure the deficiencies identified above.

Do not call or write the Court, the Trustee or the Clerk of Court for further information. Any inquiries or questions concerning the distribution and allocation process should only be directed to the Claims Administrator by toll-free phone at 1-888-420-1666; by email to EngleTrustFund@gardencitygroup.com; or by sending a written request to Engle Trust Fund, c/o The Garden City Group, Inc., P.O. Box 91054, Seattle, WA 98111-9154.

Sincerely,

Claims Administrator

"Exhibit" B