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January 31, 2011

**CONFIDENTIAL - ATTORNEY/CLIENT PRIVILEGED - TWO PAGE LETTER**

*Second Hand Smoke Flight Attendant Case*

Dear Client:

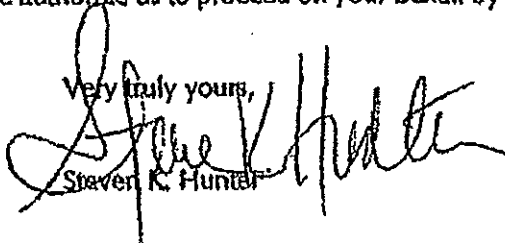
Please be advised that we need to update our client information and would request that you provide us with your up-to-date information.

We have been successful in only one out of ten cases against tobacco. The court still has jurisdiction over approximately \$100,000,000.00 of the original settlement funds. The funds were used to form a trust for the benefit of flight attendants however, most clients feel they have received no benefits from the trust. The court may possibly allow some money to be disbursed to individual flight attendants and we have filed a petition seeking this relief. We feel we have a strong case however, class counsel Stanley and Susan Rosenblatt do not want to give any monies directly to individual flight attendants. For over a year we have been trying to convince them to agree to allow flight attendants to directly share in the trust that was set up for their benefit, but they will not agree.

A fact sheet is enclosed providing additional details and history of the case.

If you support our petition asking the court to allow for a disbursement of the funds directly to the flight attendants, please authorize us to proceed on your behalf by signing the following page.

Very truly yours,



Steven K. Hunter

/eda

Enclosures

PLEASE SEE NEXT PAGE FOR AUTHORIZATION

Exhibit C  
Chambers

Exhibit "A3"

RECEIVED, 05/01/2017 03:13:27 PM, Clerk, Supreme Court

## CASE FACTS

### CONFIDENTIAL ATTORNEY CLIENT PRIVILEGED

I would like to update you on the status of this litigation. I have received many calls and inquiries from several of you that are frustrated with the lack of progress in their cases. I, along with a group of attorneys who are also representing flight attendants, have been meeting regularly over the last 12 months analyzing and discussing strategies and options. After in depth analysis, we have a consensus on the best avenue to bring this litigation to a successful conclusion and finally provide you with monetary compensation.

#### *Background & History of this Litigation*

Let me give you some background and history of this litigation so that you can have the benefit of all the information we looked at. This case initially began as a Class Action Lawsuit on behalf of flight attendants that were exposed to second hand smoke on flights and suffered certain injuries as a result of these exposures. During the course of the trial, the tobacco companies reached a settlement agreement with the Class Representative flight attendants. This means that a handful of flight attendants that were bringing this lawsuit on behalf of the entire group agreed to settle the case. The Court approved the settlement after reviewing the terms of the settlement and listening to several groups of flight attendants that were opposed to the settlement.

Stanley & Susan Rosenblatt, who were class counsel representing the flight attendants in the Class Action, portrayed the settlement as a victory for all the flight attendants. They were able to convince the judge to approve the settlement claiming that the settlement provided substantial benefits to you and all the injured flight attendants. They claimed that this benefit consisted of the following:

1. The funding of a \$300 million medical foundation whose sole purpose was to provide scientific research for the early detection and cure of diseases of flight attendants caused by exposure to second hand smoke.
2. The flight attendants would be able to bring their own lawsuit against the tobacco companies under limited legal theories, and the tobacco companies would agree not to contest in general that certain diseases are caused by second hand exposures to cigarette smoke, but could argue that a particular flight attendant's disease was caused by something other than their exposure. The cases were portrayed as a simple legal proceeding.

Over 3,000 flight attendants then filed suit and litigation ensued by a new group of attorneys (my law firm along with the others) that had nothing to do with the original class action. We feel that after 12 years, since this agreement was reached, the settlement HAS NOT

Exhibit C  
Chambers

met the intended purpose. It has not substantially benefitted you or the more than 3,000 flight attendants. This is because what started as a novel idea proved to be impractical, if not almost impossible to achieve.

#### *Class Action Settlement Prevents Crucial Legal Theories*

First, since the settlement agreement agreed to by the Rosenblatts limited the legal theories, we are unable to bring claims alleging the tobacco companies acted intentionally i.e. that the tobacco companies committed Fraud, Misrepresentations, Conspiracy to Commit Fraud, Racketeering, Suppression of Evidence and other intentional acts. This substantially restricted the evidence we could bring out to a jury that the tobacco companies knew about exposures to second hand smoke. Simply put, we cannot show the jury evidence that tobacco companies knew that people in confined spaces exposed to smoke would suffer the same diseases as those who smoked, yet failed to warn the public and in fact, concealed and suppressed that information. In my estimation this was a major flaw in the Settlement which has significantly restricted your ability to win your case. This resulted in the flight attendants losing 10 of the 11 cases. What makes matters worse is that tobacco companies are allowed under Florida law to collect legal fees and expenses against the flight attendant who lose their trials. Indeed, that is exactly what they are doing. The tobacco companies have been pursuing these flight attendants to recover their legal costs.

#### *The \$300 Million Medical Foundation*

Another important component of the settlement that also failed to achieve its intended purpose was the benefit to all the flight attendants from the \$300 million medical foundation. It was supposed to provide medical and scientific research for the early detection & cure of diseases of flight attendants caused by exposure to second hand smoke. Several things occurred after the settlement that frustrated and made this purpose impossible to achieve. Between the time the Order approving the Settlement and the point in time when funding and formation of the medical foundation actually occurred in 2000, Congress passed a ban on smoking on all commercial flights.

The ban, although having a beneficial effect on the healthcare issues related to second-hand smoke exposures of flight attendants and aircraft passengers, made the purpose of the medical foundation difficult, indeed almost impossible to achieve. It would be impossible to perform research on the specific topic of flight attendant exposure to second hand smoke and resulting diseases without either (1) violating federal law, or (2) voluntarily exposing flight attendants to second hand smoke, a study which in essence would be unethical.

The \$300 million was approved by the court to create a foundation for the benefit of flight attendants. The money has actually been used for general charitable purposes including donations to victims of Hurricane Katrina and the Haiti earthquake. We intend to petition the court to request that a portion of the funds be paid directly to the flight attendants because such payments would more closely achieve the court's purposes in approving the settlement.

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RE: *Second Hand Smoke Flight Attendant Case*  
January 31, 2011  
Page Two

**AUTHORIZATION**

I hereby authorize my attorneys to seek distribution of remaining settlement monies directly to individual flight attendants. I acknowledge and approve that my attorney will be paid on a contingency basis of 30% of any funds I recover. I understand my attorneys may act in cooperation with other attorneys who represent other flight attendants. Their firms are listed below and I authorize them to proceed on my behalf. They have agreed to share fees based upon the work and responsibilities undertaken by the various law firms; I hereby consent to this fee sharing and I understand that my attorneys' fees will not, in any event, exceed 30% of any gross recovery of monies to me. My attorneys may advance costs for litigation expenses and if a successful result is obtained, they will be entitled to be reimbursed for costs advanced. If there is no recovery, I will not be liable to repay my attorneys for any costs advanced.

**PARTICIPATING LAW FIRMS**

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**H.T. Smith, Esquire**  
H.T. Smith, P.A.  
1017 NW 9<sup>th</sup> Court  
Miami, FL 33136

Date

Signature of Flight Attendant

Printed Name of Flight Attendant

**UPDATED CONTACT INFORMATION**

E-mail

Mailing Address

Cell Number

Other Number

*Exhibit C  
Chambers*