

Syllabus

PHILIP MORRIS USA INC. *v.* WILLIAMS, PERSONAL
REPRESENTATIVE OF THE ESTATE OF WILLIAMS,
DECEASED

CERTIORARI TO THE SUPREME COURT OF OREGON

No. 07–1216. Argued December 3, 2008—Decided March 31, 2009
Certiorari dismissed. Reported below: 344 Ore. 45, 176 P. 3d 1255.

Stephen M. Shapiro argued the cause for petitioner. With him on the briefs were *Andrew L. Frey*, *Andrew H. Shapiro*, *Lauren R. Goldman*, *Kenneth S. Geller*, *Miguel A. Estrada*, *Theodore J. Boutrous, Jr.*, *David J. Debold*, *Kenneth S. Geller*, *William F. Gary*, and *Sharon A. Rudnick*.

Robert S. Peck argued the cause for respondent. With him on the brief were *James S. Coon*, *Raymond F. Thomas*, *William A. Gaylord*, *Charles S. Tauman*, *Maureen Leonard*, and *Kathryn H. Clarke*.*

*Briefs of *amici curiae* urging reversal were filed for Associated Oregon Industries et al. by *Thomas W. Brown* and *Joel S. DeVore*; for the Chamber of Commerce of the United States of America by *Jonathan D. Hacker*, *Irving L. Gornstein*, *Robin S. Conrad*, and *Amar D. Sarwal*; for the National Association of Manufacturers by *Francis R. Ortiz*, *Jan S. Amundson*, and *Quentin Riegel*; for the National Association of Mutual Insurance Companies by *Sheila L. Birnbaum*, *Douglas W. Dunham*, and *Ellen P. Quackenbos*; for the Pacific Legal Foundation by *Timothy Sandefur* and *Deborah J. La Fetra*; and for the Washington Legal Foundation et al. by *Arvin Maskin*, *Konrad Cailteux*, *Daniel J. Popeo*, and *Paul D. Kamenar*.

Briefs of *amici curiae* urging affirmance were filed for Federal Procedure Scholars by *Erwin Chemerinsky*; for Public Justice, P. C., et al. by *Elizabeth J. Cabraser* and *Steven E. Fineman*; and for the Oregon Trial Lawyers Association by *Meagan A. Flynn*.

Briefs of *amici curiae* were filed for the State of Oregon et al. by *Hardy Myers*, Attorney General of Oregon, *Peter Shepherd*, Deputy Attorney General, *Mary H. Williams*, Solicitor General, and *Janet A. Metcalf*, Assistant Attorney General, and by the Attorneys General for their respective States as follows: *Joseph R. Biden III* of Delaware, *Douglas F. Gansler* of Maryland, *Jim Hood* of Mississippi, *Gary King* of New Mexico,

Per Curiam

PER CURIAM.

The writ of certiorari is dismissed as improvidently granted.

It is so ordered.

Henry D. McMaster of South Carolina, *Robert E. Cooper, Jr.*, of Tennessee, and *Bruce A. Salzburg* of Wyoming; for the Criminal Justice Legal Foundation by *Kent S. Scheidegger*; and for Retired Oregon Supreme Court Justice Susan M. Leeson et al. by *Scott A. Shorr* and *Robert K. Udziela*.