

FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

LESLIE J. GRISHAM,
Plaintiff-Appellant,

v.

PHILIP MORRIS U.S.A., a
corporation; BROWN & WILLIAMSON
TOBACCO COMPANY CORP.,
individually and as successor to
the American Tobacco Company
and its predecessor in interest,
British American Tobacco
Industries, PLC,
Defendants-Appellees.

No. 03-55780
D.C. No.
CV-02-07930-SVW

Appeal from the United States District Court
for the Central District of California
Stephen V. Wilson, District Judge, Presiding

MARIA CANNATA,
Plaintiff-Appellant,

v.

PHILIP MORRIS USA, INC., aka
Philip Morris; BROWN &
WILLIAMSON TOBACCO
CORPORATION,
Defendants-Appellees.

No. 03-56018
D.C. No.
CV-02-08026-ABC
ORDER

Appeal from the United States District Court
for the Central District of California
Audrey B. Collins, District Judge, Presiding

Argued and Submitted
December 10, 2004—San Francisco, California

Filed April 3, 2007

Before: Jerome Farris, Dorothy W. Nelson, and
Ronald M. Gould, Circuit Judges.

Per Curiam Order

COUNSEL

Martin Louis Stanley, Santa Monica, California, for plaintiff-appellant Maria Cannata.

Frances M. Phares, Baum Hedlund, PC, Los Angeles, California; Daniel U. Smith, Law Office of Daniel U. Smith, Kentfield, California, for plaintiff-appellant Leslie J. Grisham.

Murry R. Garnick, Arnold & Porter, LLP, Washington, D.C.; Maurice A. Leiter, Arnold & Porter, LLP, Los Angeles, California; Daniel P. Collins, Munger Tolles & Olson, LLP, Los Angeles, California; Fred D. Heather, Amy W. Schulman, DLA Piper, LLP, Los Angeles, California; Sheila B. Schuerman, Temple University School of Law, Philadelphia, Pennsylvania, for defendant-appellee Philip Morris.

Paul Crist, Jones Day, Cleveland, Ohio; Peter N. Larson, Jones Day, San Francisco, California, for defendant-appellee Brown & Williamson.

ORDER

PER CURIAM:

In light of the California Supreme Court's decision in *Grisham v. Philip Morris USA, Inc.*, ___ Cal. Rptr. 3d ___,

No. S132772, 2007 WL 473678 (Cal. Feb. 15, 2007), and in light of the Joint Report of the Parties Re: Decision of the California Supreme Court on the Certified Questions, the judgments of the district court are **VACATED** and we **REMAND** to the district court for further proceedings consistent with the opinion of the California Supreme Court.

In light of the Joint Report of the Parties Re: Decision of the California Supreme Court on the Certified Questions, we also **VACATE** our previous order of March 16, 2007 calling for supplemental briefing from the parties in *Cannata v. Philip Morris*, 03-56018.

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