

IN THE COURT OF APPEALS OF MARYLAND

No. 153

September Term, 2004

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BROWN & WILLIAMSON TOBACCO CORP.,  
et al.

v.

BOOKER T. CULBERTSON

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Bell, C.J.  
Raker  
Wilner  
Cathell  
Harrell  
Battaglia  
Greene,

JJ.

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PER CURIAM ORDER

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Filed: June 9, 2005

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BROWN & WILLIAMSON TOBACCO  
CORP., et al.

v.

BOOKER T. CULBERTSON

\* In the  
\* Court of Appeals  
\* of Maryland  
\* No. 153  
\* September Term, 2004

**PER CURIAM ORDER**

The Court having considered and granted the petition for a writ of certiorari in the above captioned case, it is this 9<sup>th</sup> day of June, 2005,

ORDERED, by the Court of Appeals of Maryland, that the judgment of the Court of Special Appeals be, and it is hereby, summarily reversed, and the case is remanded to the Court of Special Appeals with instructions to dismiss the appeal. See Brown v. Gress, 378 Md. 667, 838 A.2d 362 (2003) and Smith v. Lead Industries Association, \_\_ Md. \_\_, \_\_ A.2d. \_\_ (No. 68, September Term, 2004, filed April 4, 2005). Costs in this Court and in the Court of Special Appeals to be paid by Booker T. Culbertson.

/s/ ROBERT M. BELL  
Chief Judge