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\$7.8 Million Verdict Against Big Tobacco

Another Florida victory over tobacco - Pensacola man wins verdict in wife's death

In August 2009, an Escambia County, Florida, jury awarded \$7.8 million in compensatory damages to the husband of a woman who died as a result of her addiction to nicotine. Plaintiff Franklin D. Campbell, Sr., sued RJ Reynolds Tobacco Company, Philip Morris USA, and Liggett Group on behalf of his late wife, Betty Campbell, who died in 2006 of chronic obstructive pulmonary disease at the age of 64. Mr. Campbell was represented by SDSBS attorneys **Bill Norton, David Sales, and Laurie Briggs.**

The case is one of thousands that remain pending in Florida courts following a Florida Supreme Court landmark decision in 2006. The Engle class action decision paved the way for individual suits by Florida smokers who developed smoking-related diseases prior to November 1996 and who had been part of the original class action. Following a month-long trial, the Escambia County jury found that the cigarette companies were legally responsible for Mrs. Campbell's death. The jury, however, concluded that Mrs. Campbell was partially at fault, which will reduce the total verdict by approximately one-half. This is the seventh plaintiff's victory in the Engle tobacco litigation. The other awards ranged from \$1.2 million to \$30 million, with similarly apportioned percentages of fault. As with every plaintiff win in these cases, the defense has indicated it will appeal.

Bill Norton said educating the jury about the tobacco industry's 50-year cover-up of the health risks and the intentional efforts to keep smokers addicted were the biggest hurdles in the case. SDSBS attorneys called a total of 14 witnesses,



including experts on addiction, advertising and marketing, and introduced internal tobacco industry documents highlighting industry efforts to conceal the health risks. Mrs. Campbell's family and her treating physician also testified.

Attorneys Norton, Sales, and Briggs addressed the issue of fault from the beginning, admitting that Mrs. Campbell shared fault in failing to quit and explaining her failure in the context of her life story.

The SDSBS attorneys told the jury that Mrs. Campbell, had a very tough upbringing, being bounced around relatives' and siblings' homes because her mother was in and out of mental hospitals for much of her life. As a result, she suffered from depression. Norton said she spent all of her energy making a home for her husband and three sons and she just didn't have enough strength left to beat her addiction. The jury clearly understood the addictive nature of cigarettes and understood the reasons for her inability to break that addiction.

"Mr. Campbell expressed satisfaction and gratitude that the jury understood the power that nicotine had over his wife," said David Sales. Mrs. Campbell began smoking in 1957 at the age of 15, and was unable to quit smoking despite repeated attempts. Mr. Sales said that while this verdict is important, "people should not forget that nicotine and cigarettes still claim the lives of 440,000 in this country annually, and thousands of other Engle class members are waiting for their day in court." ■

OF
COUNSEL

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NOTE: The accounts of recent trials, verdicts and settlements contained in this newsletter are intended to illustrate the experience of the firm in a variety of litigation areas. Each case is unique, and the results in one case do not necessarily indicate the quality or value of any other case. Omitting clients' names and/or defendants' names are the result of requests for anonymity.