

OF COUNSEL

A REPORT TO CLIENTS & ATTORNEYS
VOLUME 12 - NUMBER 2

Big Tobacco Finally Compelled to Pay After Lengthy Appeals

Defendants to pay \$7.8 Million for causing death of man's wife.

After three long years of appeals, Big Tobacco was ordered to pay the August 2009 verdict issued by an Escambia County, Florida, jury in the amount of \$7.8 million in compensatory damages due to Franklin D. Campbell, Sr., for its responsibility in the death of his wife, Betty. Mrs. Campbell died of chronic obstructive pulmonary disease in 2006, at 64 years of age. She had been a long-time smoker, succumbing to an addiction to nicotine despite years of numerous, unsuccessful efforts to quit smoking. Mr. Campbell asked SDSBS attorneys **Bill Norton** and **Laurie Briggs**, and former SDSBS attorney David Sales, to represent him in a suit brought against RJ Reynolds Tobacco Company, Phillip Morris USA, and Liggett Group, to hold these companies responsible in his wife's death.

"Big Tobacco's tactics have always been delay, delay, deny, deny," said Mr. Norton. "They realize how stressful



Bill Norton, Franklin Campbell, and Laurie Briggs.

it is for our client to sit in the courtroom and hear the lies they have been perpetrating for over 50 years."

The Campbell case was one of thousands that remained pending in Florida courts following a Florida Supreme Court decision in 2006. The *Engle* class action decision paved the way for individual suits to be filed by Florida smokers who developed smoking-related diseases prior to November 1996 and had been part of the original class action. "The Campbell case was the firm's first *Engle* progeny trial and both sides and the court were confronting new legal issues and new theories," Norton said. SDSBS has won seven other *Engle* progeny tobacco cases. The Campbell case was particularly difficult in that a mistrial was declared after the first jury had been seated and over 600 potential jurors were questioned before a second jury could be selected. **(Continued on page four.)**

Big Tobacco Finally Compelled to Pay After Lengthy Appeals

(Continued from page one.)

The SDSBS attorneys called a total of 14 witnesses to educate the jury about the tobacco industry's 50-year cover-up of the health risks for smokers and its intentional efforts to keep smokers addicted to nicotine. "Showing the jury what is now known and generally accepted about the health risks of smoking was, in fact, not known in 1957 when Betty Campbell began smoking and that the facts were deliberately hidden by a well-orchestrated, multi-billion dollar advertising effort by Big Tobacco was our biggest challenge," Norton said. The six-week trial finally concluded with a judgment for Mr. Campbell in the amount of \$7.8 million.

Then, Big Tobacco began its delay tactics. It filed appeals alleging that the use of findings from the *Engle* decision violated the defendants' right to due process, and it challenged scientific documentation on the health risks and addictive nature of nicotine. Its appeals eventually reached the United States Supreme Court, which declined to hear the case. The lower court ruling stood, and the defendants had to comply with the Escambia County jury's judgment.

At a recent reunion of the SDSBS legal team and their client, Franklin Campbell, Mr. Campbell expressed satisfaction and gratitude for the jury system and the fact that the jury understood the power that nicotine held over his wife, Betty. Mr. Campbell remembered Betty as a fine mother and wife, a person who had struggled and successfully overcome a tough childhood – bouncing from relative to relative, her mother

SDSBS wanted to reiterate that nicotine continues to claim the lives of over 440,000 Americans each year and thousands of *Engle* cases are waiting for their day in court to show Big Tobacco that they will be held accountable.

The six-week trial finally concluded with a judgment for Mr. Campbell in the amount of \$7.8 Million.

in and out of mental hospitals. All of her energies were focused on making a loving home for her husband and three sons. "She had little energy left to fight against the deliberately addictive effects of nicotine and the jury clearly understood the addictive nature of cigarettes, the reason for Betty's inability to break that addiction, and that Big Tobacco had consistently and deliberately withheld the truth from the American public," Norton said. In describing his relationship with his wife Betty, Franklin Campbell told the jury "I didn't know why she would pick me for a husband, but I sure appreciated the fact that she did." The jury understood and appreciated Mr. Campbell's loss.

SDSBS wanted to reiterate that nicotine continues to claim the lives of over 440,000 Americans each year and thousands of *Engle* cases are waiting their day in court to show Big Tobacco that they will be held accountable. ♦