

Big Tobacco's Glass House of Deceit Continues to Crumble As Two More *Engle* Progeny Judgments Are Affirmed

Two years after a Pensacola jury returned a verdict requiring R. J. Reynolds Tobacco Company and Liggett Group LLC to pay over \$20 million in compensatory and punitive damages to the family of Janie Mae Clay, the First District Court of Appeal in Tallahassee, Florida, affirmed the Clay family's April 2010 judgment. In 2003, Janie Mae Clay, the matriarch and centerpiece of a close and loving family, died of chronic obstructive pulmonary disease at the age of 58. She had smoked cigarettes heavily for 40 years. The Clay family was represented by SDSBS attorneys **Bill Norton, Brian Denney, and Hardee Bass.**

In March 2012, the same First District Court of Appeal delivered a *per curiam* affirmation of a February 2011 verdict and judgment on behalf of Anna Huish against R. J. Reynolds Tobacco Company and Phillip Morris-USA, Inc., for \$3.4 million in compensatory and punitive damages for the wrongful death of her husband, John Huish, who died of lung cancer at age 62 after 46 years of smoking Lucky Strike, Camel, and Marlboro cigarettes. Mrs. Huish was represented by SDSBS attorney **Jim Gustafson** and former SDSBS attorney, David Sales. Mr. Sales also served as Mrs. Huish's appellate lawyer.

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In both cases, Big Tobacco recycled all the same old arguments that had been rejected time and again, and which the United States Supreme Court refused to hear in March 2012 on cases including Florida plaintiffs Martin, Gray, Hall, and Campbell. The Clay and Huish cases, along with these others, are part of the thousands of cases filed as a result of the landmark *Engle* class action suit. Under the standards set by *Engle*, plaintiffs had to show that Clay and Huish were addicted to nicotine, and that the nicotine addiction caused their deaths. The juries found that Big Tobacco not only ignored the dangers of smoking, but made every effort to hide the risk from smokers. "True to its decades-old conspiracy to delay and deny and lie, Big Tobacco trotted out the same arguments on appeal that were rejected repeatedly by the courts," said Mr. Gustafson. "When good people are confronted with the truth, Big Tobacco's glass house of deceit crumbles under the weight of their dishonesty." ♦