

Case No. SC20-291  
First District Case No. 1D17-2104

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**IN THE SUPREME COURT OF FLORIDA**

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LINDA PRENTICE, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF JOHN C. PRICE,

*Petitioner,*

v.

R.J. REYNOLDS TOBACCO COMPANY,

*Respondent.*

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On Discretionary Review From  
The First District Court of Appeal of Florida

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**APPENDIX TO AMICUS CURIAE BRIEF OF PHILIP MORRIS USA INC.  
IN SUPPORT OF RESPONDENT R.J. REYNOLDS TOBACCO COMPANY**

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December 10, 2020

RECEIVED, 12/10/2020 04:47:34 PM, Clerk, Supreme Court

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MORRIS USA INC. IN SUPPORT OF RESPONDENT R.J. REYNOLDS  
TOBACCO COMPANY**

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of this Appendix was filed using the Florida Court’s E-Filing Portal and served by Electronic Mail to all counsel listed below this 10th day of December, 2020.

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**IN THE CIRCUIT COURT OF  
THE 11TH JUDICIAL CIRCUIT  
IN AND FOR DADE COUNTY, FLORIDA**

**GENERAL JURISDICTION DIVISION**

**HOWARD A. ENGLE, M.D., ROBERT W. ANGELL, RAYMOND LACEY, FROSENE D. STEEVENS, FRANK AMODEO, MARY FARNAN, LOREN E. LOWERY, ANGIE DELLA VECCHIA and MICHAEL MATYI, on behalf of themselves and all others similarly situated,**

**Plaintiffs,**

**vs.**

**R.J. REYNOLDS TOBACCO COMPANY, PHILIP MORRIS INCORPORATED, ("PHILIP MORRIS U.S.A."), LORILLARD TOBACCO COMPANY, LORILLARD, INC., THE AMERICAN TOBACCO COMPANY, BROWN & WILLIAMSON TOBACCO CORP., LIGGETT GROUP, INC., BROOKE GROUP LTD., INC., DOSAL TOBACCO CORP., COUNCIL FOR TOBACCO RESEARCH-U.S.A., INC., and TOBACCO INSTITUTE, INC.,**

**Defendants.**

**CASE NO. 94-08273 CA22**

**TRIAL**

**Volume 335**

**TRANSCRIPT OF PROCEEDINGS**

**in the above-styled cause before the Honorable Robert Paul Kaye, Circuit Judge, at the Dade County Courthouse, 73 West Flagler Street, Miami, Florida, on Friday, June 11, 1999 at 9:35 a.m.**

**Miami, Florida**

**Taylor, Jonevic, White & Gendron**

**(305) 358-9047**

## APPEARANCES:

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On behalf of Defendant Philip Morris

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On behalf of Defendants Liggett Group  
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On behalf of Defendant Lorillard

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On behalf of Defendant The Council for Tobacco Research

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Miami, Florida (305 358-9047)

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WITNESS

PAGE

E X H I B I T S

PLAINTIFFS'	OFFERED	ADMITTED	FOR ID
EXHIBITS	PAGE	PAGE	PAGE

None

E X H I B I T S

DEFENDANTS'	OFFERED	ADMITTED	FOR ID
EXHIBITS	PAGE	PAGE	PAGE

1 Florida law, there is no independent cause of action  
2 for concealment unless you owe a fiduciary or other  
3 form of special duty.

4           What you're really talking about here is  
5 claimed misstatements of fact. And now I would readily  
6 concede to Your Honor that what can make an affirmative  
7 statement misleading is the failure to disclose  
8 something else. But the issue of failure to disclose  
9 or concealment never arises unless an affirmative  
10 representation is false.

11           So we also don't believe that reference to  
12 concealment of a material fact is an appropriate  
13 question under Florida law. And we can argue that in  
14 more detail if Your Honor cares, even now or when we  
15 get to the proposed jury instructions.

16           MS. ROSENBLATT: Well, concealment is very  
17 much a part of this case because the defendants have  
18 published and uttered thousands upon thousands of  
19 statements about their product, the relationship of  
20 smoking to disease over periods of years.

21           And once they start discussing and being  
22 interviewed on shows and appearing before Congress and  
23 presenting booklets by the Tobacco Institute and  
24 articles by CTR officers and employees of CTR, it's got  
25 to be truthful, and it's got to reveal everything

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Plaintiffs,

vs.

R.J. REYNOLDS TOBACCO COMPANY,  
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CASE NO. 94-08273 CA22

**TRIAL**  
Volume 341

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in the above-styled cause before the Honorable Robert Paul Kaye, Circuit Judge,  
at the Dade County Courthouse, 73 West Flagler Street, Miami, Florida, on  
Monday, June 21, 1999, at 1:30 p.m.

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1 don't think I ever have.

2 Now, the next doctor I'm going to talk about  
3 I know you're going to remember because he was very  
4 unusual. We talked about some doctors who were in  
5 their 80s. Dr. Michael Siegel, from the Boston  
6 University School of Public Health, is a guy about 34  
7 years old, and he's a tiny guy and has a little bit of  
8 a squeaky voice. Appears even younger, but he is a  
9 brilliant, brilliant doctor. Shows you across the  
10 spectrum there are dedicated people. There are  
11 dedicated people who are asking: Not what my country  
12 can do for me, but what I can do for my country and for  
13 my fellow Americans. And we're grateful to have such  
14 people.

15 He was a Phi Beta Kappa graduate from  
16 college. He got his MD from Yale; worked for the San  
17 Jose California County Health Department, managing the  
18 addictions of heroin and cocaine addicts.

19 And Dr. Michael Siegel, who had that hands-on  
20 experience with heroin and cocaine addicts, said:  
21 Nicotine addiction is worse. You very seldom see a  
22 heroin or cocaine addict in their 60s or 70s, but  
23 nicotine addicts in their 60s or 70s are very, very  
24 common.

25 That was from his hands-on experience. For

1 13 years he has researched and studied and written  
2 about tobacco industry behavior, the main focus of this  
3 trial, tobacco industry behavior.

4 What was he looking at? Were they honest?  
5 Were they honest with the public? And his answer was a  
6 resounding no, they were never honest with the public;  
7 they constantly lied to the public to increase their  
8 bottom line.

9 And he studied for years child psychiatry as  
10 it relates to smoking. He is the author of a book on  
11 marketing and public health.

12 So we go to this issue. We go to this issue  
13 and I just -- I grit my teeth. I grit my teeth. And I  
14 say to myself: Can anyone buy this --

15 MR. REID: Objection, Your Honor. Counsel's  
16 opinion.

17 THE COURT: Overruled.

18 MR. ROSENBLATT: Can anyone believe this when  
19 this incredibly rich industry that spends billion,  
20 billion, \$5 billion a year on advertising and  
21 promotion, they come in and they dance in here and  
22 smile and tell their little: Yeah, but we're not after  
23 new smokers. We don't want new smokers. No, we don't  
24 want to replace the dying and the quitters; we just  
25 want switchers. We just want -- so I asked Dr. Siegel,

1 an expert, Line 14: Dr. Siegel, in the course of your  
2 career, have you had an occasion to do research on and  
3 actually write articles which were published in  
4 peer-reviewed journals about the advertising effect or  
5 impact of tobacco advertisements on youth?

6 Answer: Yes.

7 And what is your opinion on that subject, the  
8 impact or lack of impact of tobacco advertising on  
9 youth?

10 Next page. So he starts his answer at the  
11 top of this page: My opinion is that it's clear from  
12 the research literature that cigarette advertising does  
13 have an impact on youth and specifically cigarette --  
14 here's the bottom line. Here's the bottom line which  
15 just blows away the nonsense: Specifically, cigarette  
16 advertising causes kids to start smoking. I think the  
17 best estimate from the literature is that approximately  
18 one out of every three kids who starts, the scientific  
19 literature, well researched, well documented in  
20 peer-reviewed literature, going to Line 16, indicates  
21 that approximately one out of every three children who  
22 start smoking start because of cigarette advertising.

23 Do a lot of kids start to smoke simply  
24 because their buddies smoke, simply because they think  
25 it will make them more popular with the opposite sex?

1           Of course. Of course. We don't say that 100  
2 percent of new smokers do it because of advertising.

3           Dr. Siegel says about a third. And they say  
4 zero, which is an insult to your intelligence, just an  
5 insult to your intelligence. Zero.

6           Dr. Siegel goes on in Line 18: In other  
7 words, if you were to eliminate cigarette advertising,  
8 if there was no cigarette advertising, then we'd only  
9 have two-thirds of the smokers that we have now.

10          Question on Line 22: So the research  
11 reveals, as to the other two-thirds, what causes most  
12 kids to begin smoking?

13          Answer: Well, there's a variety of factors,  
14 including influences of parents and peers, social  
15 influences, but the point I'm trying to make -- but the  
16 point I'm trying to make is that cigarette advertising  
17 is a big chunk of the cause for kids to start smoking.

18          Then my question on Line 13: Based on your  
19 research, the tobacco advertising and its impact on  
20 nonsmokers, do you have an opinion on the subject of  
21 whether tobacco advertising is only used to get present  
22 smokers to switch from one brand to another?

23          Answer: I think it's very clear that  
24 cigarette advertising is not merely intended to get  
25 people to switch brands. It's clear that cigarette

1 advertising is intended to recruit new smokers,  
2 specifically among kids.

3 Now, ladies and gentlemen, that's got to be  
4 consistent with your common sense and it's got to have  
5 a ring of truth to it. And you know -- and if it  
6 doesn't, there's nothing -- there's nothing that I can  
7 say. But it truly must.

8 You're getting good at this.

9 Line 17 on this page: Dr. Siegel, based on  
10 your reading of the scientific literature, based on all  
11 your research, what was it that the tobacco industry  
12 did not turn over to the public health community in the  
13 areas of disease, causation and nicotine addiction?

14 And he answers the question, starting on Line  
15 24: Basically, the tobacco industry failed to turn  
16 over all of the information that they had, starting at  
17 the top, that they had about the health risks of  
18 cigarettes and about tobacco addiction.

19 And going to Line 5 -- and this is a  
20 researcher and a writer on this very subject, who says,  
21 beginning on Line 5, Dr. Siegel says: They knew in the  
22 early 1950s nicotine was the specific agent that  
23 addicted. They knew in 1962 the mechanism by which  
24 nicotine works, specifically on the hypothalamus and  
25 pituitary in the brain. They knew of the mechanism of

1 nicotine addiction that specifically nicotine changes  
2 the receptors.

3           Then he continues with his answer on Line 16:  
4 The companies knew specifically the mechanism by which  
5 nicotine was addictive and acknowledged this and  
6 explained it in the early 1960s, specifically that  
7 nicotine changes the receptors in the brain so that the  
8 body cannot respond to stress. And without nicotine in  
9 the body, the body cannot have a normal reaction to  
10 stress. It creates an unconscious desire among the  
11 individual to have to take more nicotine into the body  
12 in order to be able to appease those receptors, to  
13 satisfy the receptors in the brain.

14           Looking at Line 2, talking about the tobacco  
15 companies: They knew in 1966 that by controlling the  
16 pH, by controlling the acidity of the cigarette, they  
17 could increase its amount of nicotine that was present  
18 in that free form in order to enhance the nicotine  
19 delivery to the smoker.

20           Then the next paragraph he's talking about  
21 how they knew how to add ammonia to enhance the amount  
22 of nicotine in the free form and enhance the addictive  
23 nature of the cigarette.

24           And continuing on Line 14: The companies  
25 also knew back in 1953, 1953, that cigarettes were

1 carcinogenic; that they caused cancer. They clearly  
2 knew this in 1953. That information was never  
3 disclosed to the public. They also knew that cigarette  
4 smokers compensate for the loss of nicotine in a  
5 cigarette by inhaling more or less.

6 So they knew everything.

7 So Dr. Siegel is asked on cross examination  
8 this question -- getting back to the concept, well,  
9 everybody is entitled to their opinion, that's right.  
10 I suppose within certain boundaries, everybody is  
11 entitled to their opinion, but intelligent people who  
12 are studying an issue are entitled to make a judgment  
13 that this person doesn't know what he's talking about.  
14 This person just doesn't know what he's talking about,  
15 compared to that person. I mean, that person has the  
16 qualifications and the background to speak about  
17 something.

18 If somebody says -- somebody is entitled to  
19 the opinion that Mark McGwire is not a good home run  
20 hitter, but no one who knows anything about baseball is  
21 going to spend five seconds talking to that person,  
22 because that person obviously doesn't know what they're  
23 talking about. They're entitled to an opinion, they  
24 shouldn't go to jail for expressing an opinion, but  
25 obviously they don't know anything about baseball or

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**TRIAL**  
Volume 344

**TRANSCRIPT OF PROCEEDINGS**

in the above-styled cause before the Honorable Robert Paul Kaye, Circuit Judge,  
at the Dade County Courthouse, 73 West Flagler Street, Miami, Florida, on  
Tuesday, June 22, 1999, at 1:20 p.m.

## APPEARANCES:

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## (APPEARANCES - Continued)

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1 talking; it's them talking. It's them talking.

2 To think 2 million adult smokers quit,  
3 600,000 teenagers don't start, and this guy is crying  
4 in his beer, what terrible news, what terrible news for  
5 Philip Morris.

6 This goes on and on with destroying  
7 documents.

8 Plaintiffs' Exhibit 1245.

9 If company testing began to show adverse  
10 results pertaining to a particular additive, the  
11 company control would enable the company to terminate  
12 the research, remove the additive, and destroy the  
13 data.

14 That's why they terminated the rat research  
15 that Dr. Mele testified about, and that's why they sent  
16 research to INBIFO in Cologne, Germany. Anything  
17 adverse to their financial interest, their tendency and  
18 their first instinct is: Get rid of it. Don't let the  
19 American people know about it.

20 Plaintiffs' Exhibit 213, a Philip Morris  
21 document dated April 20th, 1976, from Judy McCall, and  
22 the subject is: Merit interviews.

23 And look at this whole group of people that  
24 got this document, including James Morgan, who was not  
25 then -- not in 1976, the CEO, but he had gone to work

1           And then in the same bylaws of the Tobacco  
2 Industry Research Committee, the committee goes on to  
3 say: It is the considered judgment of the committee  
4 that its activities shall be confined to the purposes  
5 set forth above, and that it is in no way to be  
6 considered or to operate as a trade association or to  
7 participate in any activity or give consideration to  
8 any matters affecting the business, conduct or  
9 activities of its members.

10           Now, you know that is a flat-out lie, because  
11 special projects, which they never told the American  
12 people about and which admittedly had nothing to do  
13 with pure science, were helping the American people  
14 make a decision on the relationship between cigarette  
15 smoking and health.

16           Special projects was research initiated by  
17 tobacco lawyers to get helpful information that they  
18 could use in defending lawsuits brought by their sick  
19 or the survivors of their dead customers.

20           Not a word about that in The Frank Statement,  
21 not a word about that in their bylaws, not a word about  
22 the fact that the Council for Tobacco Research was used  
23 and the Scientific Advisory Board was used to get  
24 expert witnesses to testify before committees of  
25 Congress, before state legislatures, and in litigation.

1           And even with respect to Europe, they are  
2 underhanded and they don't deal directly with the  
3 laboratory in Germany, but they use the laboratory or  
4 the facility in Switzerland and a go-between to get the  
5 information to Germany.

6           Plaintiffs' Exhibit 1608, a document to  
7 Dr. Robert Hockett, who is the director of the Council  
8 for Tobacco Research. This is in handwriting. It's  
9 authored by Dr. Helmut Wakeham, and basically it says:  
10 You know, after you get this, throw the paper away.  
11 Throw it away. Destroy it.

12           Plaintiffs' Exhibit 3277, dated -- this is a  
13 1958 document which says: The guilt complex is a  
14 simple matter. We tend to suffer from the externally  
15 repressed fear that our opponents are right and we are  
16 wrong on the health question, and that we are thus  
17 devoting our business lives to the propagation of lung  
18 cancer.

19           The man is saying this in 1958. And then he  
20 says: Benzopyrene must go. This compound must be  
21 removed from Marlboro and Parliament, or sharply  
22 reduced.

23           Benzopyrene, nitrosamines, phenols,  
24 polycyclic hydrocarbons, 1999, are still in all these  
25 products. Still in all these products. And the

1 average smoker has no idea. Carbon monoxide and  
2 nicotine, that's what the average smoker knows.

3 Plaintiffs' Exhibit 3383. This is a document  
4 dated 1978. Notes on group research and development  
5 conference, which says: There has been no change in  
6 the scientific basis for the case against smoking.  
7 Additional evidence of smoke dose-related incidence of  
8 some diseases associated with smoking has been  
9 published, but generally this has long ceased to be an  
10 area for scientific controversy.

11 1978. You heard witness after witness after  
12 witness: There's no controversy. No controversy.  
13 Cigarette smoking causes this whole host of diseases.

14 Plaintiffs' Exhibit 5676. This is a 1967  
15 exhibit of Brown & Williamson, enunciating the company  
16 position on cigarettes and health. And this document  
17 says: In view of the concern by many regarding the  
18 health of cigarette smokers, Brown & Williamson is  
19 constantly on the alert for new knowledge from our  
20 laboratories and elsewhere about anything that might be  
21 harmful in cigarettes. We have found no connection  
22 between cigarettes and any sickness, nor has anyone  
23 else.

24 Now, here is someone that's aware of the 1962  
25 Report of the Royal College of Physicians. It's been

IN THE CIRCUIT COURT OF  
THE 11TH JUDICIAL CIRCUIT  
IN AND FOR DADE COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION

HOWARD A. ENGLE, M.D., ROBERT W.  
ANGELL, RAYMOND LACEY, FROSENE D.  
STEEVENS, FRANK AMODEO, MARY  
FARNAN, LOREN E. LOWERY, ANGIE  
DELLA VECCHIA and MICHAEL MATYI, on  
behalf of themselves and all others similarly  
situated,

Plaintiffs,

vs.

R.J. REYNOLDS TOBACCO COMPANY,  
PHILIP MORRIS INCORPORATED,  
("PHILIP MORRIS U.S.A."), LORILLARD  
TOBACCO COMPANY, LORILLARD, INC.,  
THE AMERICAN TOBACCO COMPANY,  
BROWN & WILLIAMSON TOBACCO  
CORP., LIGGETT GROUP, INC., BROOKE  
GROUP LTD., INC., DOSAL TOBACCO  
CORP., COUNCIL FOR TOBACCO  
RESEARCH-U.S.A., INC., and TOBACCO  
INSTITUTE, INC.,

Defendants.

COPY  
CASE NO. 94-08273 CA22

TRIAL  
Volume 348

TRANSCRIPT OF PROCEEDINGS

in the above-styled cause before the Honorable Robert Paul Kaye, Circuit Judge,  
at the Dade County Courthouse, 73 West Flagler Street, Miami, Florida, on  
Thursday, June 24, 1999, at 2:00 p.m.

## APPEARANCES:

STANLEY M. ROSENBLATT, ESQ.  
SUSAN ROSENBLATT, ESQ.  
CLIFFORD DOUGLAS, ESQ.  
On behalf of Plaintiffs

DECHERT PRICE & RHOADS  
ROBERT C. HEIM, ESQ.  
SEAN P. WAJERT, ESQ.  
On behalf of Defendant Philip Morris

COLL DAVIDSON CARTER SMITH SALTER & BARKETT  
NORMAN A. COLL, ESQ.  
On behalf of Defendant Philip Morris

ZACK KOSNITZKY  
STEPHEN N. ZACK, ESQ.  
On behalf of Defendant Philip Morris

CARLTON FIELDS WARD EMMANUEL SMITH & CUTLER  
R. BENJAMINE REID, ESQ.  
DOUGLAS CHUMBLEY, ESQ.  
On behalf of Defendant R.J. Reynolds

JONES, DAY, REAVIS & POGUE  
RICHARD M. KIRBY, ESQ.  
DIANE PULLEY, ESQ.  
On behalf of Defendant R.J. Reynolds

KING & SPALDING  
MICHAEL RUSS, ESQ.  
RICHARD A. SCHNEIDER, ESQ.  
On behalf of Defendant Brown & Williamson

CLARKE SILVERGLATE WILLIAMS & MONTGOMERY  
KELLY ANNE LUTHER, ESQ.  
On behalf of Defendants Liggett Group  
and Brooke Group

SHOOK HARDY & BACON  
EDWARD A. MOSS, ESQ.  
WILLIAM P. GERAGHTY, ESQ.  
On behalf of Defendant Brown & Williamson  
JAMES T. NEWSOM, ESQ.  
On behalf of Defendant Lorillard

## APPEARANCES (Continued)

1

2

DEBEVOISE &amp; PLIMPTON

3

ANNE COHEN, ESQ.

JOSEPH R. MOODHE, ESQ.

4

On behalf of Defendant The Council for Tobacco Research

5

GREENBERG TRAURIG HOFFMAN LIPOFF ROSEN &amp; QUENTEL

DAVID L. ROSS, ESQ.

6

On behalf of Defendant Lorillard

7

MARTINEZ &amp; GUTIERREZ

JOSE MARTINEZ, ESQ.

8

On behalf of Defendant Dosal Tobacco Corp.

and Tobacco Institute

9

KASOWITZ BENSON TORRES &amp; FRIEDMAN

10

AARON MARKS, ESQ.

NANCY STRAUB, ESQ.

11

On behalf of Defendants Liggett Group

and Brooke Group

12

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1 know anything about that. And why was he wrong?  
2 Because he just hadn't checked what the public health  
3 community knew on this topic before he came here to  
4 testify.

5 Now, let's turn to compensation. I just  
6 explained to you, I reminded you again of what  
7 compensation is: Some smokers switch, and when they  
8 first switch, adjusting their smoking behavior. The  
9 plaintiffs' claim that because of compensation, it  
10 totally offsets the benefit of switching to a lower tar  
11 cigarette.

12 First of all, there are many smokers who  
13 start with a low-tar cigarette, so this whole issue of  
14 compensation doesn't even apply to them.

15 But second, the evidence shows that switchers  
16 from high tar to low tar do, in fact, get a lower  
17 delivery, because compensation is only partial. And  
18 Dr. Dixon came and testified to you about that.

19 370.

20 And you may remember this board. And here's  
21 a comparison of a 15-milligram cigarette and a  
22 5-milligram cigarette; a switcher going from 15 to 5.  
23 Here's the smoker smoking 15 milligrams, and this is  
24 the actual human intake. When that smoker switches to  
25 a 5-milligram cigarette, would you expect a decrease of

1 10 milligrams? If he smoked the cigarette precisely  
2 the same, that's what you would get.

3 But some smokers, when they switch, take  
4 bigger puffs. They adjust their smoking and they get  
5 something in the middle for some period of time, and  
6 that's called partial compensation.

7 And why does that happen? Why is it that  
8 when a smoker switches from a high-tar cigarette to a  
9 low-tar cigarette they take bigger puffs? And the  
10 plaintiffs would have you believe that smokers are  
11 nicotine-driven robots with things happening in the  
12 deep recesses of their brain driving them to do this.

13 But Dr. Dixon came and explained it, and  
14 basically what it has to do with is mouthfeel and aroma  
15 and a sense of smoke in the mouth. And higher tar  
16 cigarettes, Dr. Dixon explained, have a certain flavor,  
17 mouthfeel, different than lower tar cigarettes.

18 Now, milk and cigarettes are not alike; I'm  
19 not saying that they are. But to get a hold of this  
20 concept, remember the issue with respect to switching  
21 from whole milk to skim milk? Used to drinking whole  
22 milk, switch down to skim milk. Doesn't taste like  
23 milk at all, has a whole different feel, feels like  
24 water. But eventually you get used to it. Now you  
25 can't go back to the whole milk.

1 Well, the same thing with respect to high-tar  
2 and low-tar cigarettes. When you first switch down to  
3 low-tar cigarettes, it's an adjustment, change in  
4 mouthfeel, and the smoker takes a bigger puff. But  
5 after a while, they adjust to it; they get used to it.

6 And so this allegation of compensation just  
7 doesn't stand up, because what happens is that smokers  
8 only partially compensate in the first place, 40  
9 percent, the evidence shows, but as they get 60 percent  
10 of the reduction. And after a while, they adjust and  
11 switch to their normal smoking pattern.

12 But, ladies and gentlemen, there's another  
13 aspect of compensation that I want to discuss with you,  
14 and that is Dr. Siegel's allegation that this whole  
15 topic that I've just discussed with you was hidden from  
16 the public health community by the tobacco companies.  
17 You remember Dr. Siegel's allegation. He said the  
18 public health community didn't know anything about it  
19 until the 1980s, because it was hidden by the tobacco  
20 companies.

21 Let me address that issue. First of all, we  
22 showed Dr. Siegel an article in 1968. And each one of  
23 these, if your memory is great, you'll remember this  
24 was like on November 5 and 6 of 1998. And 439, 1968  
25 article. This was published by Dr. Armitage in the

IN THE CIRCUIT COURT OF THE  
ELEVENTH JUDICIAL CIRCUIT IN AND  
FOR DADE COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION  
CASE NO 94-08273 CA-22

HOWARD A ENGLE, M.D., et. al.,  
Plaintiffs,

v

RJ REYNOLDS TOBACCO COMPANY,  
et al.,  
Defendants

09 JUL -7 PM 5:13

CLERK

VERDICT FORM FOR PHASE I

We, the Jury, return the following Verdict:

Question No. 1

[Generic Causation]

Does smoking cigarettes cause one or more of the following diseases or  
medical conditions ?

Aortic Aneurysm	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Asthmatic Bronchitis, as related to COPD	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Bladder Cancer	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Cerebrovascular Disease (including Stroke)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Cervical Cancer	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Chronic Obstructive Pulmonary Disease-COPD (including Emphysema)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Coronary Heart Disease (including cardiovascular disease, hardening of the arteries, atherosclerosis, coronary artery disease and arteriosclerosis, angina, abnormal blood clotting, blood vessel damage, myocardial infarction (heart attack))	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Esophageal (Throat) Cancer	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Infertility	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

Kidney Cancer	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Laryngeal (Throat or Voice Box) Cancer	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Lung Cancer	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Adenocarcinoma	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Bronchioloalveolar carcinoma	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Large cell carcinoma	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Small cell carcinoma	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Squamous cell carcinoma	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Complications of Pregnancy (miscarriage)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Oral Cavity/Tongue Cancer	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Pancreatic Cancer	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Peripheral Vascular Disease (including Buerger's Disease)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Pharyngeal Cancer	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Stomach Cancer	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

If your answer to all of the diseases, above, is "no", your verdict is for the Defendants, and you should not proceed further except to date and sign this verdict form. If you answered "yes" to any of the above questions, please answer the following questions

Question No 2

[Addiction/Dependence]

**Are cigarettes that contain nicotine addictive or dependence producing ?**

Yes  No

Question No 3

[Strict Liability]

**Did one or more of the Defendant Tobacco Companies place cigarettes on the market that were defective and unreasonably dangerous ?**

Please answer "Yes" or "No" as to each Defendant, below. If you answer "yes" to any Defendants, please answer whether the conduct occurred during one of the following time periods:

Philip Morris, Incorporated	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Before July 1, 1974	Yes <input type="checkbox"/>	No <input type="checkbox"/>
After July 1, 1974	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Both before and after July 1, 1974	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
RJ Reynolds Tobacco Company	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Before July 1, 1974	Yes <input type="checkbox"/>	No <input type="checkbox"/>
After July 1, 1974	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Both before and after July 1, 1974	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Brown & Williamson Tobacco Corporation	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Before July 1, 1974	Yes <input type="checkbox"/>	No <input type="checkbox"/>
After July 1, 1974	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Both before and after July 1, 1974	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Brown & Williamson Tobacco Corporation, as successor to American Tobacco Company	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Before July 1, 1974	Yes <input type="checkbox"/>	No <input type="checkbox"/>
After July 1, 1974	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Both before and after July 1, 1974	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Lorillard Tobacco Company/Lorillard, Inc	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Before July 1, 1974	Yes <input type="checkbox"/>	No <input type="checkbox"/>
After July 1, 1974	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Both before and after July 1, 1974	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Liggett Group, Inc	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Before July 1, 1974	Yes <input type="checkbox"/>	No <input type="checkbox"/>
After July 1, 1974	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Both before and after July 1, 1974	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Brooke Group, Ltd., Inc.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Before July 1, 1974	Yes <input type="checkbox"/>	No <input type="checkbox"/>
After July 1, 1974	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Both before and after July 1, 1974	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Question No 4

[Fraud and Misrepresentation]

Did one or more of the Defendants make a false statement of a material fact, either knowing the statement was false or misleading, or being without knowledge as to its truth or falsity, with the intention of misleading smokers ?

Please answer "Yes" or "No" as to each Defendant, below. If you answer "yes" to any Defendants, please answer whether the conduct occurred during one of the following time periods

Philip Morris, Incorporated	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Before May 5, 1982	Yes <input type="checkbox"/>	No <input type="checkbox"/>
After May 5, 1982	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Both before and after May 5, 1982	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
RJ Reynolds Tobacco Company	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Before May 5, 1982	Yes <input type="checkbox"/>	No <input type="checkbox"/>
After May 5, 1982	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Both before and after May 5, 1982	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Brown & Williamson Tobacco Corporation	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Before May 5, 1982	Yes <input type="checkbox"/>	No <input type="checkbox"/>
After May 5, 1982	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Both before and after May 5, 1982	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Brown & Williamson Tobacco Corporation, as successor to American Tobacco Company	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Before May 5, 1982	Yes <input type="checkbox"/>	No <input type="checkbox"/>
After May 5, 1982	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Both before and after May 5, 1982	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Lorillard Tobacco Company/Lorillard, Inc.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Before May 5, 1982	Yes <input type="checkbox"/>	No <input type="checkbox"/>
After May 5, 1982	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Both before and after May 5, 1982	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Liggett Group, Inc.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Before May 5, 1982	Yes <input type="checkbox"/>	No <input type="checkbox"/>
After May 5, 1982	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Both before and after May 5, 1982	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Brooke Group, Ltd , Inc	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Before May 5, 1982	Yes <input type="checkbox"/>	No <input type="checkbox"/>
After May 5, 1982	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Both before and after May 5, 1982	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Council for Tobacco Research-U.S.A	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Before May 5, 1982	Yes <input type="checkbox"/>	No <input type="checkbox"/>
After May 5, 1982	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Both before and after May 5, 1982	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Tobacco Institute	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Before May 5, 1982	Yes <input type="checkbox"/>	No <input type="checkbox"/>
After May 5, 1982	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Both before and after May 5, 1982	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

Question No. 4a

[Fraud by Concealment]

Did one or more of the Defendants conceal or omit material information, not otherwise known or available, knowing the material was false and misleading, or failed to disclose a material fact concerning or proving the health effects and/or addictive nature of smoking cigarettes ?

Please answer "Yes" or "No" as to each Defendant, below. If you answer "yes" to any Defendants, please answer whether the conduct occurred during one of the following time periods:

Philip Morris, Incorporated	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Before May 5, 1982	Yes <input type="checkbox"/>	No <input type="checkbox"/>
After May 5, 1982	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Both before and after May 5, 1982	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
RJ Reynolds Tobacco Company	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Before May 5, 1982	Yes <input type="checkbox"/>	No <input type="checkbox"/>
After May 5, 1982	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Both before and after May 5, 1982	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Brown & Williamson Tobacco Corporation	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

Before May 5, 1982	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
After May 5, 1982	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Both before and after May 5, 1982	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Brown & Williamson Tobacco Corporation, as successor to American Tobacco Company	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Before May 5, 1982	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
After May 5, 1982	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Both before and after May 5, 1982	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Lorillard Tobacco Company/Lorillard, Inc	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Before May 5, 1982	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
After May 5, 1982	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Both before and after May 5, 1982	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Liggett Group, Inc	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Before May 5, 1982	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
After May 5, 1982	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Both before and after May 5, 1982	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Brooke Group, Ltd , Inc.	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Before May 5, 1982	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
After May 5, 1982	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Both before and after May 5, 1982	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Council for Tobacco Research-U.S.A.	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Before May 5, 1982	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
After May 5, 1982	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Both before and after May 5, 1982	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Tobacco Institute	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Before May 5, 1982	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
After May 5, 1982	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Both before and after May 5, 1982	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

Question No. 5

[Civil Conspiracy-Misrepresentation]

Did two or more of the Defendants enter into an agreement to misrepresent information relating to the health effects of cigarette smoking, or the addictive nature of smoking cigarettes, with the intention that smokers and members of the public rely to their detriment ?

Please answer "Yes" or "No" as to each Defendant, below:

Philip Morris, Incorporated	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
RJ Reynolds Tobacco Company	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Brown & Williamson Tobacco Corporation	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Brown & Williamson Tobacco Corporation as successor to American Tobacco Company	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Lorillard Tobacco Company/Lorillard, Inc.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Liggett Group, Inc.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Brooke Group, Ltd., Inc	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Council for Tobacco Research-U.S A	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Tobacco Institute	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

Question No. 5a

[Civil Conspiracy-Concealment]

Did two or more of the Defendants enter into an agreement to conceal or omit information regarding the health effects of cigarette smoking, or the addictive nature of smoking cigarettes, with the intention that smokers and members of the public rely to their detriment ?

Please answer "Yes" or "No" as to each Defendant, below:

Philip Morris, Incorporated	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
RJ Reynolds Tobacco Company	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Brown & Williamson Tobacco Corporation	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Brown & Williamson Tobacco Corporation as successor to American Tobacco Company	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Lorillard Tobacco Company/Lorillard, Inc.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Liggett Group, Inc.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Brooke Group, Ltd., Inc.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

Council for Tobacco Research-U S A  
Tobacco Institute

Yes  No   
Yes  No

Question No 6.

[Breach of Implied Warranty]

**Did one or more of the Defendant Tobacco Companies sell or supply cigarettes that were defective in that they were not reasonably fit for the uses intended ?**

Please answer "Yes" or "No" as to each Defendant, below. If you answer "yes" to any Defendants, please answer whether the conduct occurred during any of the following time periods

Philip Morris, Incorporated	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Before July 1, 1969	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
July 1, 1969 thru July 1, 1974	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
After July 1, 1974	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

RJ Reynolds Tobacco Company	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Before July 1, 1969	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
July 1, 1969 thru July 1, 1974	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
After July 1, 1974	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

Brown & Williamson Tobacco Corporation	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Before July 1, 1969	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
July 1, 1969 thru July 1, 1974	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
After July 1, 1974	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

Brown & Williamson Tobacco Corporation, as successor to American Tobacco Company	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Before July 1, 1969	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
July 1, 1969 thru July 1, 1974	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
After July 1, 1974	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

Lorillard Tobacco Company/Lorillard, Inc.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Before July 1, 1969	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
July 1, 1969 thru July 1, 1974	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
After July 1, 1974	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

Liggett Group, Inc.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Before July 1, 1969	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

July 1, 1969 thru July 1, 1974	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
After July 1, 1974	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Brooke Group, Ltd, Inc	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Before July 1, 1969	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
July 1, 1969 thru July 1, 1974	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
After July 1, 1974	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

Question No. 7.

[Breach of Express Warranty]

**Did one or more of the Defendant Tobacco Companies sell or supply cigarettes that, at the time of sale or supply, did not conform to representations of fact made by said Defendant(s), either orally or in writing ?**

Please answer "Yes" or "No" as to each Defendant, below. If you answer "yes" to any Defendants, please answer whether the conduct occurred during one of the following time periods

Philip Morris, Incorporated	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Before July 1, 1974	Yes <input type="checkbox"/>	No <input type="checkbox"/>
After July 1, 1974	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Both before and after July 1, 1974	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
RJ Reynolds Tobacco Company	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Before July 1, 1974	Yes <input type="checkbox"/>	No <input type="checkbox"/>
After July 1, 1974	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Both before and after July 1, 1974	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Brown & Williamson Tobacco Corporation	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Before July 1, 1974	Yes <input type="checkbox"/>	No <input type="checkbox"/>
After July 1, 1974	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Both before and after July 1, 1974	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Brown & Williamson Tobacco Corporation, as successor to American Tobacco Company	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Before July 1, 1974	Yes <input type="checkbox"/>	No <input type="checkbox"/>
After July 1, 1974	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Both before and after July 1, 1974	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Lorillard Tobacco Company/Lorillard, Inc.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

Before July 1, 1974	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
After July 1, 1974	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Both before and after July 1, 1974	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
<b>Liggett Group, Inc</b>	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Before July 1, 1974	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
After July 1, 1974	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Both before and after July 1, 1974	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
<b>Brooke Group, Ltd, Inc</b>	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Before July 1, 1974	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
After July 1, 1974	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Both before and after July 1, 1974	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

Question No. 8

[Negligence]

**Have Plaintiffs proven that one or more of the Defendant Tobacco Companies failed to exercise the degree of care which a reasonable cigarette manufacturer would exercise under like circumstances ?**

Please answer "Yes" or "No" as to each Defendant, below. If you answer "yes" to any Defendants, please answer whether the conduct occurred during one of the following time periods:

<b>Philip Morris, Incorporated</b>	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Before July 1, 1969	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
After July 1, 1969	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Both before and after July 1, 1969	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
<b>RJ Reynolds Tobacco Company</b>	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Before July 1, 1969	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
After July 1, 1969	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Both before and after July 1, 1969	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
<b>Brown &amp; Williamson Tobacco Corporation</b>	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Before July 1, 1969	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
After July 1, 1969	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Both before and after July 1, 1969	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
<b>Brown &amp; Williamson Tobacco Corporation, as</b>				

successor to American Tobacco Company	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Before July 1, 1969	Yes <input type="checkbox"/>	No <input type="checkbox"/>
After July 1, 1969	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Both before and after July 1, 1969	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
 Lorillard Tobacco Company/Lorillard, Inc	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Before July 1, 1969	Yes <input type="checkbox"/>	No <input type="checkbox"/>
After July 1, 1969	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Both before and after July 1, 1969	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
 Liggett Group, Inc	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Before July 1, 1969	Yes <input type="checkbox"/>	No <input type="checkbox"/>
After July 1, 1969	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Both before and after July 1, 1969	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
 Brooke Group, Ltd, Inc	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Before July 1, 1969	Yes <input type="checkbox"/>	No <input type="checkbox"/>
After July 1, 1969	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Both before and after July 1, 1969	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Question No 9.

[Intentional Infliction of Emotional Distress]

**Have Plaintiffs proven that one or more of the Defendant Tobacco Companies engaged in extreme and outrageous conduct or with reckless disregard relating to cigarettes sold or supplied to Florida smokers with the intent to inflict severe emotional distress ?**

Please answer "Yes" or "No" as to each Defendant, below:

Philip Morris, Incorporated	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
RJ Reynolds Tobacco Company	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Brown & Williamson Tobacco Corporation	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Brown & Williamson Tobacco Corporation as successor to American Tobacco Company	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Lorillard Tobacco Company/Lorillard, Inc.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Liggett Group, Inc.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Brooke Group, Ltd., Inc.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

Question No 10

[Entitlement to Punitive Damages]

Under the circumstances of this case, state below whether the conduct of any Defendant rose to a level that would permit a potential award or entitlement to punitive damages.

Please answer "Yes" or "No" as to each Defendant, below

Philip Morris, Incorporated	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
RJ Reynolds Tobacco Company	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Brown & Williamson Tobacco Corporation	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Brown & Williamson Tobacco Corporation as successor to American Tobacco Company	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Lorillard Tobacco Company/Lorillard, Inc	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Liggett Group, Inc.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Brooke Group, Ltd., Inc.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Council for Tobacco Research-U.S.A	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Tobacco Institute	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

SO SAY WE ALL, this 7<sup>th</sup> day of July, 1999

*Neighton Anthony Finegan*  
~~Neighton Anthony Finegan~~  
FOREPERSON  
*NEIGHTON ANTHONY FINEGAN*

IN THE SUPREME COURT OF FLORIDA

CASE NO.: SC03-1856

Lower Tribunal Nos.: 3D00-3400, 3D00-3206, 3D00-3207,  
3D00-3208, 3D00-3210, 3D00-3212,  
3D00-3215

HOWARD A. ENGLE, M.D., et al.,

Petitioners,

vs.

LIGGETT GROUP, INC., et al.,

Respondents.

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**PETITIONERS' FLORIDA ENGLE CLASS  
RESPONSE TO RESPONDENTS'  
MOTIONS FOR REHEARING**

**INTRODUCTION**

In its Opinion, the Court struck a balance between preserving a significant portion of the jury's findings from the two-year trial and recognizing the need for each class member to establish certain remaining issues, including specific causation and damages, noting that "the procedural posture of this case is unique and unlikely to be repeated." (Opinion at 37, n. 12). Tobacco's rehearing motion seeks a "clean slate," (Motion at 2), erasing twelve years of litigation, including the two-year trial with testimony from 157 witnesses, despite the fact that Tobacco

*Household Intern., Inc.*, 376 F.3d 656, 659-660 (7th Cir. 2004) (“In the previous round of this protracted litigation the defendants had urged the district court to accept the giant class as appropriate for a global settlement. . . and so are now precluded by the doctrine of judicial estoppel (citation omitted) from challenging its adequacy”; *McKee v. State*, 450 So.2d 563, 564 (Fla. 3d DCA 1984) (“it is axiomatic that a party will not be allowed to maintain inconsistent positions in the course of litigation”); *Salcedo v. Asociacion Cubana, Inc.*, 368 So.2d 1337, 1338-40 (Fla. 3d DCA 1979) (same).

B. Class Members’ Future Judgments Will Be Subject to Appellate Review -- Respondents’ Arguments Are Premature.

Respondents ask this Court to speculate that future juries or triers of fact will incur difficulties applying the findings of the *Engle* jury to remaining issues and “judgments rendered in subsequent actions will inevitably fail to survive legal and constitutional scrutiny, resulting in additional years of wasted effort.” (Motion at 2-12). Significantly, these suppositions address events that have not yet occurred and may never occur. *See U.S. v. Dalimonte*, 2006 WL 1913365 at \*2 (11th Cir. July 11, 2006) (“claims are less likely to be considered fit for adjudication when they require speculation about contingent future events”). This Court should not engage in an “abstract” analysis for litigants who have not yet suffered any

injuries. *See U.S. v. Lovasco*, 431 U.S. 783, 796-97 (1977).<sup>4</sup> Florida law similarly follows the rule that “parties must not be requesting an advisory opinion.” *Department of Revenue v. Kuhnlein*, 646 So.2d 717, 721 (Fla. 1994). *In accord*, *Reinish v. Clark*, 765 So.2d 197, 202 (Fla. 1st DCA 2000) (there must be a “present controversy,” not a request for an “advisory opinion”). The Phase I findings are very detailed and there should be no problem complying with the Mandate of this Court.

C. The Class Pled and Proved the Tobacco Industry-Wide Conspiracy to Misrepresent -- Tobacco’s Argument Seeking to Invalidate this Finding Should be Summarily Rejected.

Tobacco’s argument that “the Court’s rejection of the misrepresentation finding . . . necessarily invalidates the derivative conspiracy finding as well,” is wrong and distorts the context and reality of this class action (Motion at 1, 5). Each of the Phase I liability counts stands on its own and is fully supported by the evidence. Indeed, Respondents have never challenged the sufficiency of the evidence to support the Phase I findings. Nor did this Court determine that any Phase I finding was not supported by the evidence. Under the unique procedural

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<sup>4</sup>*In accord*, *Calderon v. Ashmus*, 523 U.S. 740, 747 (1995); *Kirby v. Siegelman*, 195 F.3d 1285, 1289-1290 (11th Cir. 1999); *Warner Cable Communications, Inc. v. City of Niceville*, 911 F.2d 634, 640 (11th Cir. 1990).

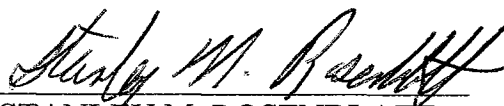
As aptly expressed by Judge Sharp of the Fifth District Court of Appeal:


This case reminds me of my grandmother's final warning and admonition to me and my siblings as children, when we had exhausted her patience with our doings. "Enough is enough," she would say. And that was the end of it.<sup>34</sup>

Respondents' motions for rehearing and clarification should be denied.

Dated: September 13, 2006.

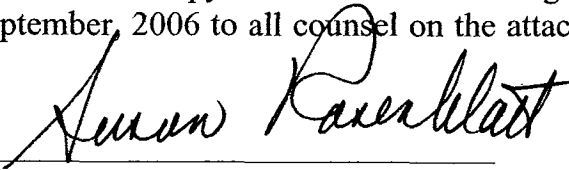
Respectfully submitted,  
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By:   
STANLEY M. ROSENBLATT  
Fla. Bar No. 068445

By:   
SUSAN ROSENBLATT  
Fla. Bar No. 142163

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the above and foregoing was served by U.S. Mail this 13th day of September, 2006 to all counsel on the attached Service List.

  
SUSAN ROSENBLATT  
Fla. Bar No.: 142163

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<sup>34</sup>*Isley v. State*, 652 So.2d 409, 410 (Fla. 5th DCA 1995).

**PHILIP MORRIS USA STATE COURT *ENGLE* PROGENY CASES  
THAT WERE TRIED TO VERDICT:**

*As of December 3, 2020:*

CASES ARE LISTED IN CHRONOLOGICAL ORDER BY VERDICT DATE:

1. The case of Elaine Hess v. Philip Morris USA Inc., Case No. 2007-1153, was tried in the Circuit Court for the Seventeenth Judicial Circuit of Broward County, Florida, in 2009. The trial lasted 13 days.
2. The case of Mary H. Gelep, as personal representative of the estate of Alexander Paul Gelep, also known as Alexander P. Gelep v. R.J. Reynolds Tobacco Company and Philip Morris USA Inc., Case No. 1998-6584, was tried in the Circuit Court for the Sixth Judicial Circuit of Pinellas County, Florida, in 2009. The trial lasted 13 days.
3. The case of Cathy Kalyvas, as personal representative for the estate of Spyridon Kalyvas v. Philip Morris USA Inc., Case No. 2007-15071, was tried in the Circuit Court for the Thirteenth Judicial Circuit of Hillsborough County, Florida, in 2009. The trial lasted 15 days.
4. The case of Leon Barbanell v. Philip Morris USA Inc., Case No. 2007-36737, was tried in the Circuit Court for the Seventeenth Judicial Circuit of Broward County, Florida, in 2009. The trial lasted 15 days.
5. The case of Franklin D. Campbell, Sr., as personal representative of the estate of Betty Jean Campbell, as surviving spouse and on behalf of the estate v. R.J. Reynolds Tobacco Company; Philip Morris USA Inc.; and Liggett Group LLC, Case No. 2008-2147, was tried in the Circuit Court for the First Judicial Circuit of Escambia County, Florida, in 2009. The trial lasted 19 days.
6. The case of Lucinda Naugle v. Philip Morris USA Inc., Case No. 2007-36736, was tried in the Circuit Court for the Seventeenth Judicial Circuit of Broward County, Florida, in 2009. The trial lasted 15 days.
7. The case of James L. Douglas, as personal representative for the estate of Charlotte M. Douglas v. Philip Morris USA Inc.; R.J. Reynolds Tobacco Company; and Liggett Group LLC, Case No. 2008-8108, was tried in the Circuit Court for the Thirteenth Judicial Circuit of Hillsborough County, Florida, in 2010. The trial lasted nine days.
8. The case of Robin Cohen, as personal representative of the estate of Nathan Cohen, deceased v. Philip Morris USA Inc. and R.J. Reynolds Tobacco Company, Case No. 2007-11515, was tried in the Circuit Court for the Seventeenth Judicial Circuit of Broward County, Florida, in 2010. The trial lasted 14 days.
9. The case of Sharon Putney, as personal representative of the estate of Margot Putney, deceased v. Philip Morris USA Inc.; R.J. Reynolds Tobacco Company; and

Liggett Group LLC, Case No. 2007-36668, was tried in the Circuit Court for the Seventeenth Judicial Circuit of Broward County, Florida, in 2010. The trial lasted 17 days.

10. The case of Elsie Gil de Rubio, as personal representative of the estate of Raymond Gil de Rubio v. Philip Morris USA Inc., Case No. 2007-12167, was tried in the Circuit Court for the Fourth Judicial Circuit of Duval County, Florida, in 2010. The trial lasted 13 days.

11. The case of Ellen Tate v. Philip Morris USA Inc., Case No. 2007-21723, was tried in the Circuit Court for the Seventeenth Judicial Circuit of Broward County, Florida, in 2010. The trial lasted eleven days.

12. The case of Margaret E. Piendle, personal representative of the estate of Charles William Piendle v. R.J. Reynolds Tobacco Company and Philip Morris USA Inc., Case No. 2008-38777, was tried in the Circuit Court for the Fifteenth Judicial Circuit of Palm Beach County, Florida, in 2010. The trial lasted 28 days.

13. The case of Norma Warrick, as the personal representative of the estate of Eveline Warrick v. R.J. Reynolds Tobacco Company and Philip Morris USA Inc., Case No. 2007-11654, was tried in the Circuit Court for the Fourth Judicial Circuit of Duval County, Florida, in 2010. The trial lasted 16 days.

14. The case of Jimmie P. Willis v. R.J. Reynolds Tobacco Company and Philip Morris USA Inc., Case No. 2008-9859, was tried in the Circuit Court for the Twelfth Judicial Circuit of Manatee County, Florida, in 2010. The trial lasted 17 days.

15. The case of Phyllis Frazier v. Philip Morris USA Inc., and R.J. Reynolds Tobacco Company, Case No. 2007-44469, was tried in the Circuit Court for the Eleventh Judicial Circuit of Miami-Dade County, Florida, in 2010. The trial lasted 18 days.

16. The case of Claudette Campbell v. R.J. Reynolds Tobacco Company and Philip Morris USA Inc., Case No. 09-443, was tried in the Circuit Court for the Thirteenth Judicial Circuit of Hillsborough County, Florida, in 2010. The trial lasted ten days.

17. The case of Arthur W. Rohr, as personal representative of the estate of Arthur Rohr, deceased v. R.J. Reynolds Tobacco Company; Philip Morris USA Inc.; Lorillard Tobacco Company; and Liggett Group LLC, Case No. 2007-34472, was tried in the Circuit Court for the Seventeenth Judicial Circuit of Broward County, Florida, in 2010. The trial lasted 14 days.

18. The case of Luis M. Espinosa, as personal representative of the estate of Maria J. Espinosa v. Philip Morris USA Inc., Case No. 2000-17357, was tried in the Circuit Court for the Eleventh Judicial Circuit of Miami-Dade County, Florida, in 2010. The trial lasted nine days.

19. The case of Despina Hatziyannakis, as personal representative of the estate of Christos Hatziyannakis v. Philip Morris USA Inc., Case No. 2007-36571, was tried in the Circuit Court for the Seventeenth Judicial Circuit of Broward County, Florida, in 2011. The trial lasted eleven days.

20. The case of Anna Louise Huish, personal representative of the estate of John Delbert Huish v. R.J. Reynolds Tobacco Company and Philip Morris USA Inc., Case No. 2008-3714, was tried in the Circuit Court for the Eighth Judicial Circuit of Alachua County, Florida, in 2011. The trial lasted 14 days.

21. The case of Allen Oliva and Mary Oliva v. R.J. Reynolds Tobacco Company and Philip Morris USA Inc., Case No. 2008-1299, was tried in the Circuit Court for the Fourth Judicial Circuit of Clay County, Florida, in 2011. The trial lasted eleven days.

22. The case of Mary Tullo, as personal representative of the estate of Dominick Tullo v. R.J. Reynolds Tobacco Company; Philip Morris USA Inc.; Lorillard Tobacco Company; and Liggett Group LLC, Case No. 2008-35457, was tried in the Circuit Court for the Fifteenth Judicial Circuit of Palm Beach County, Florida, in 2011. The trial lasted 15 days.

23. The case of Andy R. Allen, Sr., as personal representative for the estate of Patricia L. Allen v. R.J. Reynolds Tobacco Company and Philip Morris USA Inc., Case No. 2007-8311, was tried in the Circuit Court for the Fourth Judicial Circuit of Duval County, Florida, in 2011. The trial lasted 16 days.

24. The case of Jerry Weingart, as the personal representative of Claire Weingart v. R.J. Reynolds Tobacco Company; Philip Morris USA Inc.; and Lorillard Tobacco Company, Case No. 2008-38878, was tried in the Circuit Court for the Fifteenth Judicial Circuit of Palm Beach County, Florida, in 2011. The trial lasted 13 days.

25. The case of Toni I. Junious, as personal representative of the estate of Annie Ingraham v. R.J. Reynolds Tobacco Company and Philip Morris USA Inc., Case No. 2007-23586, was tried in the Circuit Court for the Eleventh Judicial Circuit of Miami-Dade County, Florida, in 2011. The trial lasted twelve days.

26. The case of John Szymanski v. R.J. Reynolds Tobacco Company; Philip Morris USA Inc.; and Liggett Group LLC, Case No. 2007-15501, was tried in the Circuit Court for the Twentieth Judicial Circuit of Lee County, Florida, in 2011. The trial lasted twelve days.

27. The case of Theodore Hallgren, personal representative of the estate of Claire Hallgren v. R.J. Reynolds Tobacco Company and Philip Morris USA Inc., Case No. 2010-761, was tried in the Circuit Court for the Tenth Judicial Circuit of Highlands County, Florida, in 2012. The trial lasted 13 days.

28. The case of Marvine Calloway, as personal representative of the estate of Johnnie Calloway v. R.J. Reynolds Tobacco Company; Philip Morris USA Inc.; Lorillard Tobacco Company; and Liggett Group LLC, Case No. 2008-21770, was tried in the Circuit Court for the Seventeenth Judicial Circuit of Broward County, Florida, in 2012. The trial lasted 31 days.

29. The case of Linda Hancock, as personal representative of the estate of Edna Siwieck v. Philip Morris USA Inc., and R.J. Reynolds Tobacco Company, Case No. 2010-26551, was tried in the Circuit Court for the Seventeenth Judicial Circuit of Broward County, Florida, in 2012. The trial lasted eleven days.

30. The case of Richard S. Lock and Peggy J. Lock v. Philip Morris USA Inc., and R.J. Reynolds Tobacco Company, Case No. 2007-12520, was tried in the Circuit Court for the Sixth Judicial Circuit of Pinellas County, Florida, in 2012. The trial lasted 14 days.

31. The case of Nan Kathryn Buchanan, personal representative of the estate of Mitchell Ivan Buchanan v. Philip Morris USA Inc., and Liggett Group, LLC, Case No. 2007-3565, was tried in the Circuit Court for the Second Judicial Circuit of Leon County, Florida, in 2012. The trial lasted 15 days.

32. The case of David Cohen, as personal representative of the estate of Helen Cohen v. R.J. Reynolds Tobacco Company; Philip Morris USA Inc.; Lorillard Tobacco Company; and Liggett Group LLC, Case No. 2009-4042, was tried in the Circuit Court for the Fifteenth Judicial Circuit of Palm Beach County, Florida, in 2013. The trial lasted 20 days.

33. The case of Robert LaMotte, personal representative of the estate of Vivian Barthelemy Kemp v. R.J. Reynolds Tobacco Company; Philip Morris USA Inc.; Lorillard Tobacco Company; and Liggett Group LLC, Case No. 2010-3072, was tried in the Circuit Court for the First Judicial Circuit of Escambia County, Florida, in 2013. The trial lasted 22 days.

34. The case of Dorothy Ruffo v. Philip Morris USA Inc., and Lorillard Tobacco Company, Case No. 2007-30292, was tried in the Circuit Court for the Eleventh Judicial Circuit of Miami-Dade County, Florida, in 2013. The trial lasted 14 days.

35. The case of John R. Campbell, as personal representative of the estate of Judy W. Campbell v. R.J. Reynolds Tobacco Company and Philip Morris USA Inc., Case No. 2011-5960, was tried in the Circuit Court for the Tenth Judicial Circuit of Polk County, Florida, in 2013. The trial lasted eleven days.

36. The case of Teresa Starr-Blundell, as personal representative of the estate of Lucy Mae Starr, deceased v. R.J. Reynolds Tobacco Company and Philip Morris USA Inc., Case No. 2007-12167, was tried in the Circuit Court for the Fourth Judicial Circuit of Duval County, Florida, in 2013. The trial lasted 16 days.

37. The case of Beatrice Skolnick, as personal representative of the estate of Leo Skolnick v. R.J. Reynolds Tobacco Company and Philip Morris USA Inc., Case No. 2009-4045, was tried in the Circuit Court for the Fifteenth Judicial Circuit of Palm Beach County, Florida, in 2013. The trial lasted 20 days.

38. The case of Alicia Dombey, as personal representative of the estate of Daniel G. Dombey, deceased v. Philip Morris USA Inc., and R.J. Reynolds Tobacco Company, Case No. 2010-47211, was tried in the Circuit Court for the Seventeenth Judicial Circuit of Broward County, Florida, in 2013. The trial lasted nine days.

39. The case of John Rizzuto v. Philip Morris USA Inc., and Liggett Group LLC, Case No. 2008-3318, was tried in the Circuit Court for the Fifth Judicial Circuit of Hernando County, Florida, in 2013. The trial lasted ten days.

40. The case of Kathryn Haldeman, as personal representative of the estate of Margaret R. McEniry, deceased v. R.J. Reynolds Tobacco Company and Philip Morris USA Inc., Case No. 2007-3798, was tried in the Circuit Court for the Fifth Judicial Circuit of Marion County, Florida, in 2013. The trial lasted 13 days.

41. The case of Lucinda Naugle v. Philip Morris USA Inc., Case No. 2007-36736, was retried in the Circuit Court for the Seventeenth Judicial Circuit of Broward County, Florida, in 2013. The trial lasted ten days.

42. The case of Elba Blasco, as personal representative of the estate of Eduardo Blasco, and the survivors thereof v. Philip Morris USA Inc., Case No. 2007-46473, was tried in the Circuit Court for the Eleventh Judicial Circuit of Miami-Dade County, Florida, in 2013. The trial lasted eleven days.

43. The case of Antonio CuCulino v. Philip Morris USA Inc., and R.J. Reynolds Tobacco Company, Case No. 2010-62733, was tried in the Circuit Court for the Eleventh Judicial Circuit of Miami-Dade County, Florida, in 2014. The trial lasted ten days.

44. The case of Juana Gonzalez, as personal representative of the estate of Agustin Gonzalez v. R.J. Reynolds Tobacco Company and Philip Morris USA Inc., Case No. 2009-53850, was tried in the Circuit Court for the Eleventh Judicial Circuit of Miami-Dade County, Florida, in 2014. The trial lasted twelve days.

45. The case of John R. Goveia, as personal representative for the estate of Mary F. Goveia v. R.J. Reynolds Tobacco Company and Philip Morris USA Inc., Case No. 2008-760, was tried in the Circuit Court for the Ninth Judicial Circuit of Orange County, Florida, in 2014. The trial lasted twelve days.

46. The case of Yvonne Banks, as personal representative of the estate of George Banks v. R.J. Reynolds Tobacco Company and Philip Morris USA Inc., Case No. 2008-25824, was tried in the Circuit Court for the Seventeenth Judicial Circuit of Broward County, Florida, in 2014. The trial lasted 17 days.

47. The case of Gloria Bowden, as personal representative of the estate of William Bowden, Jr. v. R.J. Reynolds Tobacco Company and Philip Morris USA Inc., Case No. 2008-391, was tried in the Circuit Court for the Fourth Judicial Circuit of Duval County, Florida, in 2014. The trial lasted 13 days.

48. The case of John Sammarco, Sr., personal representative of the estate of Theresa Sammarco v. Philip Morris USA Inc., Case No. 2008-22603, was tried in the Circuit Court for the Seventeenth Judicial Circuit of Broward County, Florida, in 2014. The trial lasted 15 days.

49. The case of Joseph Conrad Surico, personal representative of the estate of Phyllis Surico v. Philip Morris USA Inc., Case No. 2009-891, was tried in the Circuit Court for the Twentieth Judicial Circuit of Lee County, Florida, in 2014. The trial lasted 14 days.

50. The case of Rachel Baum, as personal representative of the estate of Paul Baum, deceased v. R.J. Reynolds Tobacco Company; Philip Morris USA Inc.; and Liggett Group LLC, Case No. 2010-60768, consolidated with Case No. 2012-28501, was tried in the Circuit Court for the Eleventh Judicial Circuit of Miami-Dade County, Florida, in 2014. The trial lasted 14 days.

51. The case of James Harris Lourie, personal representative of the estate of Barbara Ruth Lourie v. R.J. Reynolds Tobacco Company; Philip Morris USA Inc.; and Lorillard Tobacco Company, Case No. 2007-18137, was tried in the Circuit Court for the Thirteenth Judicial Circuit of Hillsborough County, Florida, in 2014. The trial lasted 14 days.

52. The case of Annie Bishop, as personal representative of the estate of Robert Ramsay v. R.J. Reynolds Tobacco Company and Philip Morris USA Inc., Case No. 2013-7820, was tried in the Circuit Court for the Ninth Judicial Circuit of Orange County, Florida, in 2014. The trial lasted 13 days.

53. The case of Richard Boatright and Deborah Boatright v. Philip Morris USA Inc., and Liggett Group LLC, Case No. 2011-158, was tried in the Circuit Court for the Tenth Judicial Circuit of Polk County, Florida, in 2014. The trial lasted 16 days.

54. The case of Debra Perrotto, as personal representative of the estate of Nicholas Perrotto v. R.J. Reynolds Tobacco Company; Philip Morris USA Inc.; Lorillard Tobacco Company; and Liggett Group LLC, Case No. 2007-23841, was tried in the Circuit Court for the Fifteenth Judicial Circuit of Palm Beach County, Florida, in 2014. The trial lasted 15 days.

55. The case of Andy R. Allen, Sr., as personal representative for the estate of Patricia L. Allen v. R.J. Reynolds Tobacco Company and Philip Morris USA Inc., Case No. 2007-8311, was retried in the Circuit Court for the Fourth Judicial Circuit of Duval County, Florida, in 2014. The trial lasted 16 days.

56. The case of Jose M. Vila v. Philip Morris USA Inc., Case No. 2013-12833, was tried in the Circuit Court for the Eleventh Judicial Circuit of Miami-Dade County, Florida, in 2015. The trial lasted twelve days.

57. The case of Donald McMannis, as personal representative of the estate of Barbara McMannis v. R.J. Reynolds Tobacco Company and Philip Morris USA Inc., Case No. 2012-1468, was tried in the Circuit Court for the Twentieth Judicial Circuit of Charlotte County, Florida, in 2015. The trial lasted 14 days.

58. The case of Vickie McKeever, as personal representative of the estate of Theodore McKeever, for and on behalf of the estate and survivors thereof v. Philip Morris USA Inc., Case No. 2010-37561, was tried in the Circuit Court for the Seventeenth Judicial Circuit of Broward County, Florida, in 2015. The trial lasted 13 days.

59. The case of Rose Pollari, as personal representative of the estate of Paul J. Pollari v. R.J. Reynolds Tobacco Company and Philip Morris USA Inc., Case No. 2014-1563,

was tried in the Circuit Court for the Seventeenth Judicial Circuit of Broward County, Florida, in 2015. The trial lasted 18 days.

60. The case of Robert A. Gore, Sr., individually and as personal representative for the estate of Gloria Howard Gore v. R.J. Reynolds Tobacco Company and Philip Morris USA Inc., Case No. 2008-10052, was tried in the Circuit Court for the Nineteenth Judicial Circuit of Indian River County, Florida, in 2015. The trial lasted 13 days.

61. The case of Tina Russo, as executor de son tort of the estate of Phyllis Frazier, deceased v. Philip Morris USA Inc., and R.J. Reynolds Tobacco Company, Case No. 2007-44469, was retried in the Circuit Court for the Eleventh Judicial Circuit of Miami-Dade County, Florida, in 2015. The trial lasted 14 days.

62. The case of Mary Brown as personal representative of the estate of Rayfield Brown v. Philip Morris USA Inc., Case No. 2007-11175, was tried in the Circuit Court for the Fourth Judicial Circuit of Duval County, Florida, in 2015. The trial lasted ten days.

63. The case of John McCoy, as personal representative of the estate of Glodine McCoy v. R.J. Reynolds Tobacco Company; Philip Morris USA Inc.; and Lorillard Tobacco Company, Case No. 2008-25806, was tried in the Circuit Court for the Seventeenth Judicial Circuit of Broward County, Florida, in 2015. The trial lasted 22 days.

64. The case of Carmenza Merino v. Philip Morris USA Inc., Case No. 2008-1287, was tried in the Circuit Court for the Eleventh Judicial Circuit of Miami-Dade County, Florida, in 2015. The trial lasted 14 days.

65. The case of Fannie Collar v. R.J. Reynolds Tobacco Company; Philip Morris USA Inc.; and Liggett Group LLC, Case No. 2011-115, was tried in the Circuit Court for the Nineteenth Judicial Circuit of Indian River County, Florida, in 2015. The trial lasted 17 days.

66. The case of Elaine Jordan v. Philip Morris USA Inc., Case No. 2013-8903, was tried in the Circuit Court for the Fourth Judicial Circuit of Duval County, Florida, in 2015. The trial lasted 16 days.

67. The case of Mary Cooper v. R.J. Reynolds Tobacco Company and Philip Morris USA Inc., Case No. 2008-26350, was tried in the Circuit Court for the Seventeenth Judicial Circuit of Broward County, Florida, in 2015. The trial lasted 19 days.

68. The case of Kevin Duignan, personal representative of the estate of Douglas Clarence Duignan v. R.J. Reynolds Tobacco Company and Philip Morris USA Inc., Case No. 2013-10978, was tried in the Circuit Court for the Sixth Judicial Circuit of Pinellas County, Florida, in 2015. The trial lasted 17 days.

69. The case of Alicia Suarez, individually and as personal representative of the estate of Pio Manuel Suarez, deceased v. R.J. Reynolds Tobacco Company and Philip Morris USA Inc., Case No. 2009-79584, was tried in the Circuit Court for the Eleventh Judicial Circuit of Miami-Dade County, Florida, in 2015. The trial lasted 15 days.

70. The case of Gertrude Marchese, as personal representative of the estate of Salvatore Marchese v. R.J. Reynolds Tobacco Company and Philip Morris USA Inc., Case No. 2013-2849, was tried in the Circuit Court for the Seventeenth Judicial Circuit of Broward County, Florida, in 2015. The trial lasted 14 days.

71. The case of Micah Danielson, as personal representative of the estate and survivors of Norman Lamar Danielson v. Philip Morris USA Inc., Case No. 2007-2737, was tried in the Circuit Court for the First Judicial Circuit of Escambia County, Florida, in 2015. The trial lasted 14 days.

72. The case of Stephen Tognoli v. Philip Morris USA Inc., Case No. 2008-45898, was tried in the Circuit Court for the Seventeenth Judicial Circuit of Broward County, Florida, in 2015. The trial lasted nine days.

73. The case of Phyllis M. Barbose, as personal representative for the estate of John M. Barbose v. R.J. Reynolds Tobacco Company and Philip Morris USA Inc., Case No. 2014-3532, was tried in the Circuit Court for the Sixth Judicial Circuit of Pasco County, Florida, 2015. The trial lasted twelve days.

74. The case of Robert Shulman v. R.J. Reynolds Tobacco Company; Philip Morris USA Inc.; and Liggett Group LLC, Case No. 2007-23832, was tried in the Circuit Court for the Fifteenth Judicial Circuit of Palm Beach County, Florida, in 2015. The trial lasted 26 days.

75. The case of Roland Ledoux, as personal representative of the estate of Patricia Mary Ledoux, deceased v. R.J. Reynolds Tobacco Company and Philip Morris USA Inc., Case No. 2007-43991, was tried in the Circuit Court for the Eleventh Judicial Circuit of Miami-Dade County, Florida, in 2015. The trial lasted 18 days.

76. The case of Doris Ewing, personal representative of the estate of James R. Ewing, individually and as surviving spouse, and on behalf of the estate v. R.J. Reynolds Tobacco Company and Philip Morris USA Inc., Case No. 2009-2791, was tried in the Circuit Court for the First Judicial Circuit of Escambia County, Florida, in 2016. The trial lasted 13 days.

77. The case of Ina E. Ahrens, personal representative of the estate of Karl Robert Ahrens v. R.J. Reynolds Tobacco Company and Philip Morris USA Inc., Case No. 2014-5826, was tried in the Circuit Court for the Sixth Judicial Circuit of Pinellas County, Florida, in 2016. The trial lasted 19 days.

78. The case of Elizabeth Ann Smith v. R.J. Reynolds Tobacco Company and Philip Morris USA Inc., Case No. 2007-23930, was tried in the Circuit Court for the Fifteenth Judicial Circuit of Palm Beach County, Florida, in 2016. The trial lasted 16 days.

79. The case of Bernice McCall, individually and as personal representative of the estate of Martin McCall v. Philip Morris USA Inc., Case No. 2007-36888, was tried in the Circuit Court for the Seventeenth Judicial Circuit of Broward County, Florida, in 2016. The trial lasted 15 days.

80. The case of Linda Enochs, individually and as personal representative of the estate of Thomas Purdo v. R.J. Reynolds Tobacco Company and Philip Morris USA Inc., Case No. 2007-23930, was tried in the Circuit Court for the Fifteenth Judicial Circuit of Palm Beach County, Florida, in 2016. The trial lasted 14 days.

81. The case of Lesia Mooney, as personal representative of the estate of Barbara June Meacham v. R.J. Reynolds Tobacco Company and Philip Morris USA Inc., Case No. 2011-40815, was tried in the Circuit Court for the Eleventh Judicial Circuit of Miami-Dade County, Florida, in 2016. The trial lasted eleven days.

82. The case of Michael Sermons, as personal representative of the estate of Myra Sermons v. Philip Morris USA Inc., and R.J. Reynolds Tobacco Company, Case No. 2008-397, was tried in the Circuit Court for the Fourth Judicial Circuit of Duval County, Florida, in 2016. The trial lasted 18 days.

83. The case of Joseph Varner, personal representative of the estate of Virginia Varner v. R.J. Reynolds Tobacco Company and Philip Morris USA Inc., Case No. 2008-26345, was tried in the Circuit Court for the Seventeenth Judicial Circuit of Broward County, Florida, in 2016. The trial lasted 15 days.

84. The case of Elsa Chacon, as personal representative of the estate of Robiel Chacon, deceased v. Philip Morris USA Inc., Case No. 2008-102, was tried in the Circuit Court for the Eleventh Judicial Circuit of Miami-Dade County, Florida, in 2016. The trial lasted 13 days.

85. The case of Marilyn Oshinsky-Blacker, as personal representative of the estate of Dennis Oshinsky v. R.J. Reynolds Tobacco Company and Philip Morris USA Inc., Case No. 2008-25841, was tried in the Circuit Court for the Seventeenth Judicial Circuit of Broward County, Florida, in 2016. The trial lasted 16 days.

86. The case of Mary Howles v. R.J. Reynolds Tobacco Company and Philip Morris USA Inc., Case No. 2007-34919, was tried in the Circuit Court for the Seventeenth Judicial Circuit of Broward County, Florida, in 2016. The trial lasted 15 days.

87. The case of Stanley Martin, as personal representative of the estate of Carole Martin v. R.J. Reynolds Tobacco Company and Philip Morris USA Inc., Case No. 2007-36440, was tried in the Circuit Court for the Seventeenth Judicial Circuit of Broward County, Florida, in 2016. The trial lasted 16 days.

88. The case of Abigail Dubinsky, as personal representative of the estate of Paul Dubinsky v. R.J. Reynolds Tobacco Company and Philip Morris USA Inc., Case No. 2014-26783, was tried in the Circuit Court for the Eighteenth Judicial Circuit of Brevard County, Florida, in 2016. The trial lasted 15 days.

89. The case of Mary Faricy Pardue, as personal representative of the estate of John N. Faricy v. R.J. Reynolds Tobacco Company and Philip Morris USA Inc., Case No. 2014-2010, was tried in the Circuit Court for the Eighth Judicial Circuit of Alachua County, Florida, in 2016. The trial lasted eleven days.

90. The case of John A. Brown, as personal representative for the estate of Maria Joyce Brown v. Philip Morris USA Inc., and R.J. Reynolds Tobacco Company, Case No. 2015-24510, was tried in the Circuit Court for the Sixth Judicial Circuit of Pinellas County, Florida, in 2017. The trial lasted 15 days.

91. The case of James Santoro, as successor personal representative of the estate of Grace Santoro v. R.J. Reynolds Tobacco Company; Philip Morris USA Inc.; and Liggett Group LLC, Case No. 2008-25807, was tried in the Circuit Court for the Seventeenth Judicial Circuit of Broward County, Florida, in 2017. The trial lasted 13 days.

92. The case of Steffany Sommers, as personal representative of the estate of Bert Sommers v. Philip Morris USA Inc., Case No. 2008-1464, was tried in the Circuit Court for the Eleventh Judicial Circuit of Miami-Dade County, Florida, in 2017. The trial lasted eleven days.

93. The case of Mary Lima, as personal representative of the estate of Johnny Lima v. R.J. Reynolds Tobacco Company and Philip Morris USA Inc., Case No. 2015-7140, was tried in the Circuit Court for the Thirteenth Judicial Circuit of Hillsborough County, Florida, in 2017. The trial lasted 15 days.

94. The case of Linda Martin v. Philip Morris USA Inc., Case No. 2007-34267, was tried in the Circuit Court for the Eleventh Judicial Circuit of Miami-Dade County, Florida, in 2017. The trial lasted eleven days.

95. The case of Steven Kogan v. R.J. Reynolds Tobacco Company and Philip Morris USA Inc., Case No. 2007-23657, was tried in the Circuit Court for the Fifteenth Judicial Circuit of Palm Beach County, Florida, in 2017. The trial lasted 13 days.

96. The case of Judith Pearson, as personal representative for the estate of Donald Pearson v. Philip Morris USA Inc., Case No. 2007-17823, was tried in the Circuit Court for the Thirteenth Judicial Circuit of Hillsborough County, Florida, in 2017. The trial lasted 13 days.

97. The case of Fontaine Wallace, as personal representative of the estate of Robert E. Wallace v. R.J. Reynolds Tobacco Company and Philip Morris USA Inc., Case No. 2014-52862, was tried in the Circuit Court for the Eighteenth Judicial Circuit of Brevard County, Florida, in 2017. The trial lasted 15 days.

98. The case of Robert Douglas, as personal representative of the estate of June Douglas v. Philip Morris USA Inc., Case No. 2008-386, was tried in the Circuit Court for the Fourth Judicial Circuit of Duval County, Florida, in 2017. The trial lasted 14 days.

99. The case of Veda Bryant, personal representative of the estate of Johnny Lee Bryant v. Philip Morris USA Inc., Case No. 2015-1691, was tried in the Circuit Court for the First Judicial Circuit of Escambia County, Florida, in 2017. The trial lasted twelve days.

100. The case of Kenneth Gloger, as personal representative of the estate or Irene Gloger v. R.J. Reynolds Tobacco Company and Philip Morris USA Inc., Case No. 2011-

23377, was tried in the Circuit Court for the Eleventh Judicial Circuit of Miami-Dade County, Florida, in 2018. The trial lasted 16 days.

101. The case of Teresa Starr Blundell, as personal representative of the estate of Lucy Mae Starr v. Philip Morris USA Inc. and R.J. Reynolds Tobacco Company, Case No. 2007-12167, was retried in the Circuit Court for the Fourth Judicial Circuit of Duval County, Florida, in 2018. The trial lasted eleven days.

102. The case of Jo E. Freeman, as personal representative of the estate of David W. Freeman v. Philip Morris USA Inc., Case No. 2015-3930, was tried in the Circuit Court for the Eighth Judicial Circuit of Alachua County, Florida, in 2018. The trial lasted eight days.

103. The case of Faye Theis, personal representative of the estate of Edward Frederick Theis, Jr. v. R.J. Reynolds Tobacco Company and Philip Morris USA Inc., Case No. 2011-1941, was tried in the Circuit Court for the Twelfth Judicial Circuit of Sarasota County, Florida, in 2018. The trial lasted 16 days.

104. The case of Herbert Landi, as personal representative of the estate of Marion Landi, deceased v. R.J. Reynolds Tobacco Company and Philip Morris USA Inc., Case No. 2008-25814, was tried in the Circuit Court for the Seventeenth Judicial Circuit of Broward County, Florida, in 2018. The trial lasted 18 days.

105. The case of Debra Perrotto, as personal representative of the estate of Nicholas Perrotto v. R.J. Reynolds Tobacco Company and Philip Morris USA Inc., Case No. 2007-23841, was retried in the Circuit Court for the Fifteenth Judicial Circuit of Palm Beach County, Florida, in 2018. The trial lasted eleven days.

106. The case of Myron Kaplan, as personal representative of the estate of Sheila Kaplan v. R.J. Reynolds Tobacco Company and Philip Morris USA Inc., Case No. 2008-25823, was tried in the Circuit Court for the Seventeenth Judicial Circuit of Broward County, Florida, in 2018. The trial lasted 20 days.

107. The case of Micah Danielson, as personal representative of the estate and survivors of Norman Lamar Danielson v. Philip Morris USA Inc., Case No. 2007-2737, was retried in the Circuit Court for the First Judicial Circuit of Escambia County, Florida, in 2018. The trial lasted four days.

108. The case of Marc Simon, as personal representative of the estate of Anna Simon v. R.J. Reynolds Tobacco Company and Philip Morris USA Inc., Case No. 2007-27976, was tried in the Circuit Court for the Seventeenth Judicial Circuit of Broward County, Florida, in 2018. The trial lasted 14 days.

109. The case of Brenda Chadwell, as personal representative of the estate of James L. Chadwell, deceased v. Philip Morris USA Inc., Case No. 2010-17931, was tried in the Circuit Court for the Eleventh Judicial Circuit of Miami-Dade County, Florida, in 2018. The trial lasted twelve days.

110. The case of Carlos Ortiz v. R.J. Reynolds Tobacco Company and Philip Morris USA Inc., Case No. 2008-847, was tried in the Circuit Court for the Eleventh Judicial Circuit of Miami-Dade County, Florida, in 2018. The trial lasted 13 days.

111. The case of Cynthia Boulter v. R.J. Reynolds Tobacco Company and Philip Morris USA Inc., Case No. 2008-627, was tried in the Circuit Court for the Twentieth Judicial Circuit of Lee County, Florida, in 2018. The trial lasted eleven days.

112. The case of Denise Marie Gaboury, as personal representative of the estate of Patricia Duncan, deceased v. R.J. Reynolds Tobacco Company and Philip Morris USA Inc., Case No. 2007-46351, was tried in the Circuit Court for the Eleventh Judicial Circuit of Miami-Dade County, Florida, in 2019. The trial lasted twelve days.

113. The case of Rose Pollari, as personal representative of the estate of Paul J. Pollari v. R.J. Reynolds Tobacco Company and Philip Morris USA Inc., Case No. 2014-1563, was retried in the Circuit Court for the Seventeenth Judicial Circuit of Broward County, Florida, in 2019. The trial lasted 13 days.

114. The case of Ruby Holliman, as personal representative of the estate of Ulysee Holliman v. Philip Morris USA Inc., Case No. 2017-2638, was tried in the Circuit Court for the Eleventh Judicial Circuit of Miami-Dade County, Florida, in 2019. The trial lasted 13 days.

115. The case of Richard Mahfuz, as personal representative of the estate of Rita Mahfuz v. R.J. Reynolds Tobacco Company and Philip Morris USA Inc., Case No. 2007-36743, was tried in Circuit Court for the Seventeenth Judicial Circuit of Broward County, Florida, in 2019. The trial lasted 18 days.

116. The case of Shan Frogel, as personal representative of the estate of Bette J. Cash v. Philip Morris USA Inc., Case No. 2007-23246, was tried in the Circuit Court for the Fifteenth Judicial Circuit of Palm Beach County, Florida, in 2019. The trial lasted ten days.

117. The case of Bernice McCall, individually and as personal representative of the estate of Martin McCall v. Philip Morris USA Inc., Case No. 2007-36888, was tried in the Circuit Court for the Seventeenth Judicial Circuit of Broward County, Florida, in 2019. The trial lasted eight days.

118. The case of Deborah Neff, as personal representative of the estate of Dorothy Milinkovich v. R.J. Reynolds Tobacco Company and Philip Morris USA Inc., Case No. 2007-36745, was tried in the Circuit Court for the Seventeenth Judicial Circuit of Broward County, Florida, in 2019. The trial lasted 14 days.

119. The case of Karla Zingaro v. R.J. Reynolds Tobacco Company and Philip Morris USA Inc., Case No. 2007-36438, was tried in the Circuit Court for the Seventeenth Judicial Circuit of Broward County, Florida, in 2019. The trial lasted 18 days.

120. The case of Violette Fields, as personal representative of the estate of Mark Fields, deceased v. R.J. Reynolds Tobacco Company and Philip Morris USA Inc., Case

No. 2008-1274, was tried in the Circuit Court for the Eleventh Judicial Circuit of Miami-Dade County, Florida, in 2019. The trial lasted eleven days.

121. The case of Jorge Alvarez del Real v. Philip Morris USA Inc., Case No. 2007-32909, was tried in the Circuit Court for the Eleventh Judicial Circuit of Miami-Dade County, Florida, in 2019. The trial lasted seven days.

122. The case of Kenneth Gloger, as personal representative of the estate or Irene Gloger v. R.J. Reynolds Tobacco Company and Philip Morris USA Inc., Case No. 2011-23377, was retried in the Circuit Court for the Eleventh Judicial Circuit of Miami-Dade County, Florida, in 2019. The trial lasted 17 days.

123. The case of Bryan Rintoul as personal representative of the estate of Edward Caprio v. Philip Morris USA Inc. and R.J. Reynolds Tobacco Company, Case No. 2007-36719, was tried in the Circuit Court for the Seventeenth Judicial Circuit of Broward County, Florida, in 2019. The trial lasted 23 days.

124. The case of Sabrina Cuddihee, as personal representative of the estate of Gil Cuddihee v. Philip Morris USA Inc., Case No. 2008-398, was tried in the Circuit Court for the Fourth Judicial Circuit of Duval County, Florida, in 2020. The trial lasted ten days.

125. The case of Kevin Duignan, personal representative of the estate of Douglas Clarence Duignan v. R.J. Reynolds Tobacco Company and Philip Morris USA Inc., Case No. 2013-10978, was retried in the Circuit Court for the Sixth Judicial Circuit of Pinellas County, Florida, in 2020. The trial lasted 16 days.

**PRODUCT LIABILITY TRIALS AGAINST PHILIP MORRIS USA IN  
FLORIDA SINCE DECEMBER 31, 2006, IN WHICH PLAINTIFFS DID NOT  
ALLEGE *ENGLE* CLASS MEMBERSHIP:**

*As of December 3, 2020:*

CASES ARE LISTED IN CHRONOLOGICAL ORDER BY VERDICT DATE:

1. The case of Karen Whitney v. R.J. Reynolds Tobacco Company and Philip Morris USA Inc., Case No. 2011-286, was tried in the Circuit Court for the Eighth Judicial Circuit of Alachua County, Florida, 2013. The trial lasted 13 days.

2. The case of Michael Gentile, as personal representative of the estate of Brenda Gentile, for and on behalf of the estate and the survivors thereof v. R.J. Reynolds Tobacco Company and Philip Morris USA Inc., Case No. 2015-5405, was tried in the Circuit Court for the Fifteenth Judicial Circuit of Palm Beach County, Florida, in 2017. The trial lasted eleven days.

3. The case of Karen Capone, as personal representative of the estate of Frank Capone v. Philip Morris USA Inc., Case No. 2005-10312, was tried in the Circuit Court for the Eleventh Judicial Circuit of Miami-Dade County, Florida, in 2018. The trial lasted eleven days.

4. The case of Edward F. Principe v. Philip Morris USA Inc., Case No. 17-25772, was tried in the Circuit Court for the Eleventh Judicial Circuit of Miami-Dade County, Florida, in 2020. The trial lasted 20 days.