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Emmon Smith v. R.J. Reynolds Tobacco Company

Case No. 09-719-CA

*2012 Jury Verdicts LEXIS 3855*

**HEADLINE:** Florida Jury Awards Total Of \$ 27,000,000.00 In Compensatory And Punitive Damages From Tobacco Company To Man Alleging Lung Cancer Was Caused By Smoking Cigarettes

**PARTY NAMES: PLAINTIFF(S):**

Smith, Emmon

**DEFENDANT(S):**

R.J. Reynolds Tobacco Company, Individually and as successor by merger to The American Tobacco Company

**TOPIC:** Product Liability - Cigarettes

**INJURY:** Physical Injury

**METHOD OF RESOLUTION:** Trial

**DATE:** March 28, 2012

**ALL DATES:** 01/11/2007 Florida Supreme Court Affirmed Underlying Verdict

03/27/2012 Compensatory Damages Verdict Returned

03/28/2012 Punitive Damages Verdict Awarded

**AWARD:** \$ 27,000,000

**STATE:** Florida

**COURT:** Florida Circuit Court, Fourteenth Judicial Circuit

**CASE SUMMARY:** In a class action styled *Engle v. Liggett Group, Inc.*, a Florida jury found that smoking cigarettes caused aortic aneurysm, bladder cancer, cerebral vascular disease, cervical cancer, chronic obstructive pulmonary disease, coronary heart disease, esophageal cancer, kidney cancer, laryngeal cancer, lung cancer, complications of pregnancy, oral cavity/tongue cancer, pancreatic cancer, peripheral vascular disease, pharyngeal cancer and stomach cancer. The jury further found that cigarettes were addictive and that tobacco companies knew the dangers of cigarettes when they were placed on the market and withheld material information regarding the addictive nature and dangers associated with cigarettes. On Jan. 11, 2007, the Florida Supreme Court affirmed the jury's findings and

decertified the class, but ruled that individual plaintiffs would be permitted to proceed with individual claims for damages.

Emmon Smith, who was a member of the class in the Engle action, subsequently filed a complaint against the R.J. Reynolds Tobacco Company, individually and as successor by merger to The American Tobacco Company, in the Circuit Court of the 14th Judicial Circuit, in and for Jackson County, Florida, seeking damages for his lung cancer, which was allegedly caused by his smoking cigarettes from 1944 until 1992 when he was diagnosed with lung cancer, had his left lung removed and was advised by his doctors that smoking had caused the cancer. The case went to trial and on March 27, 2012, the jury awarded Smith \$ 10,000,000.00 in compensatory damages, which reduced to \$ 7,000,000.00 after accounting for the 30% fault attributed to Smith. On the following day, the jury awarded Smith \$ 20,000,000.00 in punitive damages in a second phase of trial.

**CASE RESOLUTION:** For Plaintiff

**COUNSEL:** PLAINTIFF COUNSEL:

Diaz, Richard J.

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Harris, J.B.

FIRM NAME- Crabtree & Associates

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Trammell, Robert

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**Left to right:**

Lead Attorney Rick Diaz – Law firm is in press release attached  
Attorney Robert Trammell – Law firm is in press release attached  
Client’s wife - Vernell Smith  
Client - Reverend Emmon Smith  
Attorney Don Fitzgerald from Crabtree & Associates  
Attorney J.B. Harris - Law firm is in press release attached  
Attorney Carlos Santisteban, Jr. from Carlos Santisteban, Jr. PA