

**Products Liability Law Daily Wrap Up, TOP STORY—JURY VERDICTS—  
Fla. Cir.: R.J. Reynolds cleared of negligence and concealment claims but  
still hit with \$16M punitive damages award, (Apr. 2, 2019)**

Products Liability Law Daily Wrap Up

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By Kathleen Bianco, J.D.

The estate of a deceased smoker successfully demonstrated that a design defect in cigarettes was the legal cause of the smoker's death, warranting compensatory and punitive damages.

Last week, a Florida jury issued a \$16 million punitive damages award against cigarette manufacturer R.J. Reynolds Tobacco Co. in an action brought by the estate of a smoker who died from lung cancer caused by smoking cigarettes. In reaching this verdict, the jury concluded that the cigarette manufacturer's product was defectively designed and that the defect was the legal cause of the smoker's illness and death. In an earlier proceeding, the jury awarded \$300,000 in compensatory damages to the decedent's surviving children, but also apportioned 50 percent of the fault to the smoker (*Coates v. R.J. Reynolds Tobacco Co.*, March 27, 2019 ([Phase I Verdict](#)) and March 28, 2019 ([Phase II Verdict](#))).

A woman, acting as the representative of her sister's estate, sought damages following her sister's death from a cigarette-related illness which she alleged was caused by her sister's addiction to cigarettes containing nicotine. The [complaint](#) alleged that the manufacturer's cigarette products were addictive, habituating, habit-forming, and, once used, caused physical and psychological dependence. Moreover, the complaint alleged that, among other things, the manufacturer's product was unsafe because it failed to reduce the inhalation of tar and other carcinogens through filtration, provided excessive nicotine, and did not include product information data sheets or accurately or legibly list the ingredients contained within the cigarettes.

The estate asserted claims for negligence, strict liability, intentional misrepresentation, negligent misrepresentation, and conspiracy to commit fraud. The suit sought compensatory damages on behalf of the estate and the decedent's survivors, including her three children, along with punitive damages based on the manufacturer's willful and wanton conduct.

**Jury findings.** The jury answered "no" to the question of whether there was negligence on the part of the cigarette manufacturer but found that the manufacturer's product was defective by design and that the defect was the legal cause of the decedent's illness and death. The jury also found that the manufacturer had not concealed or conspired to conceal or omit material information concerning the health effects or the addictive nature of smoking cigarettes and apportioned fault between the smoker and the manufacturer at 50 percent each. Having found the manufacturer strictly liable for the design defect, the jury awarded compensatory damages to the decedent's three children. Finally, the jury determined that there was clear and convincing evidence that punitive damages were warranted against the manufacturer.

**Damages.** In Phase I, the jury awarded \$300,000 (\$100,000 to each surviving child) for the loss of parental companionship, instruction and guidance, and for their mental pain and suffering resulting from their mother's illness and death. In Phase II, the jury assessed punitive damages in the amount of \$16 million against R.J. Reynolds.

The case is No. 1997-CA-004541-O ([Phase I Verdict](#); [Phase II Verdict](#)).

Attorneys: William H. Ogle (Ogle Law Firm) for Brinda Coates. Troy A. Fuhrman (Hill Ward Henderson) and Stephanie E. Parker (Jones Day) for R. J. Reynolds Tobacco Co.

Companies: R. J. Reynolds Tobacco Co.

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