

**[Products Liability Law Daily Wrap Up, INDUSTRY NEWS—JURY VERDICT—TOBACCO PRODUCTS—Fla. Cir.: Smoker with COPD awarded \\$46.5 million against R.J. Reynolds, \(Apr. 22, 2015\)](#)**

Products Liability Law Daily Wrap Up

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By John W. Scanlan, J.D.

A smoker who alleged that he developed COPD as the result of his addiction to smoking cigarettes for many years has been awarded \$46.5 million in compensatory and punitive damages by a Florida jury, his attorneys announced (*In re: Engle Progeny Cases Tobacco Litigation (Ryan, Thomas and Bettye Ryan v. R.J. Reynolds Tobacco Co.)*), April 21, 2015, Tuter, J.).

**Background.** Tom Ryan alleged that he began smoking cigarettes in 1955 at the age of 13, eventually smoking up to four packs per day. After he developed COPD, he and his wife brought suit against a number of tobacco manufacturers, including R.J. Reynolds, Philip Morris USA, Lorillard Tobacco Co., along with the Tobacco Institute and the Council for Tobacco Research U.S.A., asserting [claims](#) for strict liability, negligence, fraud by concealment, and conspiracy to commit fraud by concealment. He sought both compensatory and punitive damages.

Ryan is a Florida resident, and the case was one of the “Engle-progeny” cases seeking damages in accordance with the Florida Supreme Court’s decision in [Engle v. Liggett Group, Inc.](#), 945 So.2d 1246 (Fla. 2006). The Engle court approved certification of a class including all Florida citizens and residents, and their survivors, who have suffered, presently suffer, or who have died from diseases and medical conditions caused by their addiction to nicotine-containing cigarettes. The Florida Supreme Court decertified the Engle class because class-wide treatment of causation and damages was not feasible, and expressly reserved to class members the right to bring individual actions against defendant tobacco companies for smoking-related injuries and damages, including punitive damages.

**Jury verdict.** The jury [awarded](#) the smoker and his wife \$46.5 million in damages, of which \$21.5 million was for compensatory damages and \$25 million was for punitive damages.

The case is No. [08-022579 \(19\)](#).

Attorneys: Alex Alvarez (Alvarez Law Firm) and Gary Paige (Gordon & Doner) for plaintiffs. Thomas M. Sherouse (Shook, Hardy & Bacon LLP) for Philip Morris USA Inc. and Lorillard Tobacco Co. Stephanie E. Parker (Jones Day) and Gordon James III (Sedgwick, LLP) for R.J. Reynolds Tobacco Co.

Companies: Philip Morris USA Inc.; Lorillard Tobacco Co.; R.J. Reynolds Tobacco Co.

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