

Jurors Award \$200M Verdict to Clients of These South Florida Attorneys

By Michael A. Mora

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What You Need to Know

- The estate of a deceased smoker sued R.J. Reynolds Tobacco Co. in Boston state court.
- The trial lasted nearly three weeks before the jury deliberated for about 15 hours.
- Plaintiffs counsel pointed to the defendant's failure to accept any responsibility as a key moment for jurors.

A state court jury in Massachusetts returned a nine-figure verdict to the family of a smoker who died from cancer after over a half-century of smoking cigarettes.

Randy Rosenblum of Dolan Dobrinsky Rosenblum Bluestein in Miami, and Walter Kelley of Bernheim Kelley Battista in Fort Lauderdale and Boston represented the plaintiffs, the personal representatives of the estate of Rita Jones. The estate sued the defendant, R.J. Reynolds Tobacco Co., which owns Lorillard Tobacco Co. whose cigarettes Jones puffed.



Suffolk County Courthouse, now the John Adams Courthouse, in Pemberton Square in Boston, Massachusetts. It is home to the Massachusetts Supreme Judicial Court (the state's highest court) and the Massachusetts Appeals Court.

“One of the specific issues that we had to deal with was because R.J. Reynolds took the position that Lorillard would never have given free samples of cigarettes to kids,” Rosenblum said. “We had to convince the jury that it was either Lorillard or one of Lorillard’s agents, someone acting on behalf of Lorillard, that they hired to give out those free cigarettes.”

David B. Alden, a partner at Jones Day in Cleveland, Ohio, who was among the lead



(Courtesy photo)

Walter Kelley of Bernheim Kelley Battista, left, Trenice Jones, middle, and Randy Rosenblum, a partner at Dolan Dobrinsky Rosenblum Bluestein, right, outside the Suffolk County Courthouse in Pemberton Square in Boston, Massachusetts.

attorneys for R.J. Reynolds, did not respond to a request seeking comment.

Now, after a nearly three-week trial and about 15 hours of jury deliberations, Boston jurors awarded \$25 million in compensatory damages, \$5 million to each of Rita's five adult children, and \$150 million in punitive damages in a trial conducted by Judge Rosemary Connolly.

Jones started smoking as a

16-year-old after she received free samples of Newport menthol cigarettes on the streets of Boston, court records show. Jones became a lifelong smoker of one to two packs daily, and was diagnosed with metastatic lung cancer in 2015. And about three years later, Jones succumbed to cancer, survived by five adult children.

'And Then They Blamed Her'

The estate sued R.J. Reynolds, successor by merger to the Lorillard Tobacco Co., in the Massachusetts Superior Court for breach of warranty, negligence, and civil conspiracy. Rosenblum said one of the immediate challenges was presenting a breach of warranty case for cigarettes because the evidence can be highly technical and scientific.

At trial, the estate had a team of expert witnesses opine on multiple angles, including the "decades long conspiracy tobacco companies engaged in," the design of cigarettes, and the alternative safer designs that were available to Newport, Jones' resulting addiction to Newport cigarettes, and how Jones' lung cancer and death were caused by her smoking Newport cigarettes.

And Kelley said at trial, Reynolds erred when its attorneys told jurors that 100% of the responsibility for Jones' death was on her and pinned 0% of the blame onto themselves. This was despite Jones receiving that free sample of Newport cigarettes. Soon after, she purchased her first pack and continued smoking only Newport cigarettes for the next half-century.

"It seemed ironic that she did exactly what they wanted her to do when they gave her those free cigarettes, which means develop brand loyalty and be a lifelong customer," Kelley recalled. "And then they blamed her for that very same conduct."

DDRBLP
 DOLAN | DOBRINSKY
 ROSENBLUM | BLUESTEIN

2665 S. Bayshore Dr., Suite 603
 Miami, Florida 33133
 (305) 371-2692