

Tobacco Cos. Win Over Jury In Ex-Smoker's \$15M Trial

By **Brandon Lowrey**

Law360, Los Angeles (July 30, 2015, 2:03 PM ET) -- Three tobacco companies on Thursday won a defense jury verdict in a \$15 million lawsuit brought by an ex-smoker who lost a lung to cancer, with the Florida jurors finding that nicotine addiction didn't legally cause her disease.

The verdict in Vero Beach, Florida, comes after a more than two-week trial over the allegedly smoking-related diseases afflicting Fannie Collar, marking a victory for R.J. Reynolds Tobacco Co., Philip Morris Tobacco Co. and Liggett Group Inc.

Collar smoked for 50 years starting in 1946 at the age of 12 and went on to develop lung cancer and chronic obstructive pulmonary disease, a degenerative disease that will ultimately kill her, her attorney Steven Hammer told jurors. She sought \$15 million, on top of \$200,000 in medical bills and additional punitive damages.

The defendants argued that she chose to smoke and refused to drop the habit even after being warned by friends and family members. And she even picked it back up after she developed her illnesses, according to Philip Morris attorney Bill Geraghty of Shook Hardy & Bacon LLP.

"After all, look at Ms. Collar in 2006, when at the age of 72, after not smoking for 13 years, she begins dating [a man] and she begins smoking cigarettes again," Geraghty said. "She knew that she had lung cancer and COPD in 2006. But she chose to smoke anyway. And now she wants you to believe that she wouldn't have made that same decision back in the 1950s. The decision she makes in 2006 demonstrates that's not true."

The case is one of the thousands stemming from the landmark Engle class action against tobacco companies, which the Florida Supreme Court decertified in 2006.

Though the high court decertified the class and overturned a \$145 billion verdict, the court allowed up to 700,000 people who could have won judgments to rely on the jury's findings to file suits of their own. These findings include conclusions that smoking causes certain diseases and that tobacco companies hid smoking's dangers.

In another Engle progeny case decided last week, Florida jurors awarded \$14.5 million, including \$6.5 million in punitive damages, against Philip Morris to a former smoker who alleged she suffered disfigurement after developing oral cancer because of her cigarette addiction.

Collar is represented by Jonathan Gdanski and Steven Hammer of Schlesinger & Associates PA.

R.J. Reynolds is represented by Mark Belasic of Jones Day.

Philip Morris is represented by Bill Geraghty and Terrence Sexton of Shook Hardy & Bacon LLP.

Liggett Group Inc. is represented by Nancy Kaschel and Ann St. Peter-Griffith of Kasowitz Benson Torres & Friedman LLP.

The case is Collar v. R.J. Reynolds Tobacco Co., case number 312011CA000115, in the 19th Judicial Circuit of Florida.

--Editing by Christine Chun.

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