

Eleventh Circuit Affirms Individual's \$41 Million Verdict Against Tobacco Companies

"In yet another opinion applying the Florida Supreme Court's landmark decision in *Engle v. Liggett Group, Inc.*, 945 So. 2d 1246 (Fla. 2006), the Eleventh Circuit affirmed denial of motions for judgment as a matter of law against R.J. Reynolds Tobacco Company and Philip Morris USA Inc. in a published opinion upholding multi-million dollar jury verdicts against both defendants," posts Keith Emanuel in Eversheds Sutherland's **11th Circuit Business Blog**.

"Plaintiff Kerrivan became an addicted serial smoker at an early age, suffered increasingly serious medical diagnoses as a result, and made repeated unsuccessful attempts to quit. He eventually quit smoking but has required an oxygen tank to assist his breathing ever since. After the jury awarded \$15.8 million in compensatory damages and \$25.3 million in punitive damages on various fraud and conspiracy claims, the tobacco companies renewed motions for judgment as a matter of law and filed a motion for new trial or remittitur, arguing that the compensatory damages award was excessive, that the punitive damages award was unconstitutional, and that the evidence of reliance was insufficient to support the fraudulent concealment and conspiracy claims. The appeal stemmed from the district court's denial of such motions."

Read the article.