
Florida court awards US\$ 145 billion in damages against US tobacco companies

In a historic decision, a six-member jury in Miami, Florida, has awarded US\$ 145 billion in punitive damages against five major American tobacco companies, after hearing 157 witnesses in a trial that lasted two years. The class-action lawsuit was originally filed in 1994 on behalf of an estimated 300 000–700 000 Florida smokers by Stanley and Susan Rosenblatt, a husband and wife legal team. The sum is the largest punitive damages award in US history.

Frank Amodeo, 61, a throat cancer sufferer and one of the three main plaintiffs in the case, said the judgement was “fair and just”. Amodeo has been fed through a gastroscopic opening for 13 years. “No amount of money in the world can change the way I eat, 15 cents or US\$ 15 million,” said Amodeo. “This wasn’t about money. This was about sending a message.” Stanley Rosenblatt, the leading lawyer for the sick smokers, called it “a day of reckoning”. He added: “Six thoughtful courageous Americans listened quietly and carefully to testimony for close to two years, and damn it, they did the right thing.”

Dan Webb, defence lawyer for Philip Morris, said: “We are disappointed with the jury’s verdict”. However, he added that the errors committed by the court were extraordinary and the result would have little practical impact. Under a Florida law that was enacted last year, a punitive damage award cannot drive a defendant into bankruptcy. The industry claims that they would be out of business “ten times over” if the current damages were paid. They would proceed vigorously with an appeal and may have to post an initial bond of no more than US\$ 100 million per company. Webb added that the verdict cannot become final for decades, until after the trials of several hundreds of thousands of plaintiffs have been completed.

At a press conference in New York, William Ohlemeyer, Chief Lawyer for Philip Morris, against whom the largest award, US\$ 73.9 billion, was levelled said: “Today’s verdict is truly a verdict for no one”, and claimed “we believe the verdict is grossly excessive and also illegal”.

Several law experts agreed that an appeal was inevitable. “There is no way a judgment

can be levied until the appeal process is concluded...and that could take years,” said John Coffee, Professor of Law at the Columbia Law School. ■

Fred Charatan, *Florida*
