

Tobacco Industry Wins First Individual Cigarette Case in Miami

Miami, Florida February 28 , 2003

First Case to go to Trial in the Post Engle Era

Philip Morris and R.J. Reynolds were found not liable today by a jury in Federal court in Miami. The estate of James Robert 'Bob' Allen, in the person of his widow, Sylvia, sued the companies, claiming fraud, failure to warn and product defect. The jury, after a full day of deliberations, returned a no cause verdict.

This case was a particularly important one for the tobacco industry as it was the first individual case to go to trial in Miami-Dade County, well known as a difficult venue for defendants. In 1997, the industry lost a class action lawsuit brought by all Florida smokers injured before 1996. While that case winds its way to the Florida Supreme Court, the industry faces claims brought by individuals claiming they were injured after the class period. The Allen case was the first case to go to trial in the post Engle era.

The jury found that Bob Allen, like other smokers in the 1950's was aware of the risks of smoking and decided to smoke anyway, despite the admonitions of his family, his doctors and the public health community. Nothing that the tobacco companies said or failed to say caused Bob Allen to change his decision to continue to smoke; it was his alone. And finally, the tobacco industry did everything it could to make an inherently dangerous product as safe as possible.

A win on all three causes of action in a plaintiff oriented venue has sent a strong message to the plaintiff's bar.

Litigation Strategies, Ltd. served as jury consultant to Kenneth J. Reilly, Esq., lead counsel for Philip Morris.



- Strategic Research
- Witness Preparation
- Demonstrative Exhibits

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