

## Philip Morris Smacked with \$1.3M Punitive Award, \$2.4M Total, for Cancer That Cost Smoker Her Lung

May 22, 2017



Miami, FL—Philip Morris was hit with a \$1.3 million punitive judgment Friday, capping a \$2.4 million total award to a Cuban immigrant who lost a lung after smoking the company's cigarettes for more than a decade. [Martin v. Philip Morris, 07-CA-34267](#).

Linda Martin smoked Philip Morris' Benson & Hedges cigarettes for more than a decade after emigrating to Florida from Cuba in 1980. In 1994, however, doctors diagnosed Martin with lung cancer and emphysema, and removed one of her lungs.

The \$1.3 million punitive verdict follows the jury's conclusion Tuesday that Philip Morris' involvement in a decades-long scheme to hide the dangers of smoking led to Martin's nicotine addiction, her cancer, and respiratory disease. Jurors on Tuesday awarded Martin \$1.1 million in compensatory damages and found punitives warranted, setting up Friday's second phase of trial on punishment.

The case is one of thousands of Florida's Engle progeny lawsuits against the nation's tobacco companies. They stem from a 2006 Florida Supreme Court decision decertifying Engle v. Liggett Group Inc., a class-action tobacco suit originally filed in 1994. Although the state's Supreme Court ruled that Engle-progeny cases must be tried individually, it found plaintiffs could rely on certain jury findings in the original case, including the determination that tobacco companies had placed a dangerous, addictive product on the market and had conspired to hide the dangers of smoking through much of the 20<sup>th</sup> century.

[While the seven-day, first phase of trial focused on Engle class membership](#), Friday's proceeding on punitives centered on whether PM's recent conduct, and wholesale changes to the tobacco industry, mitigated against a hefty punishment.

PM offered evidence to argue sweeping changes in the company and the tobacco industry at-large, from federal oversight and strict restrictions on marketing to billions in payouts to state governments, ensured the days of tobacco conspiracies were over. During Friday's closing statements, Weil Gotshal & Manges' Diane Sullivan told jurors PM's transparency on the health effects of smoking over the last 18 years changed the public perception of smoking. "If you were born in 1999, you grew up in a world where the only statements about health you've ever heard from Philip Morris is that cigarettes cause lung cancer and that cigarettes are addictive," Sullivan said, arguing punitives were not warranted.

But, said Martin's attorney, Koch, Parafinczuk, Wolf & Susen's Austin Carr, "None of that did anything for Linda Martin." Carr added PM's admission of smoking's hazards, including its various online initiatives, did not balance out decades of tobacco industry fraud. "Anybody can put up a website," Carr said. "There's no relationship in the world to [the company's current online messaging] and the aggressive billion-dollar campaign of advertising pushing their product that we saw in the first part of the case."

*Email Arlin Crisco at [acrisco@cvn.com](mailto:acrisco@cvn.com).*

## **Related Information**

Linda Martin is represented by The Menendez law Firm's Jose Menendez and **Koch, Parafinczuk, Wolf & Susen's Austin Carr.**

Philip Morris is represented by Weil Gotshal & Manges' Diane Sullivan and Adam Tolin.