



For Immediate Release

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**SUPREME COURT URGED TO REVERSE \$79.5 MILLION
PUNITIVE DAMAGES AWARD TO SMOKER**
(Philip Morris USA v. Williams)

The Washington Legal Foundation (WLF) filed a brief with the U.S. Supreme Court last week urging it to reverse an Oregon Supreme Court decision that upheld an excessive \$79.5 million punitive damages award to a lifelong smoker who died of lung cancer after smoking for over 45 years. WLF argued that in light of the compensatory damage award of approximately \$800,000, and the jury's finding that the smoker was equally responsible for his medical injuries, the punitive damages award of approximately 100 times the amount of compensatory damages was grossly excessive and violated the company's due process rights. The outcome of the case will have a major impact on the assessment of punitive damages against other industries in future cases.

In *Philip Morris USA v. Williams*, Jesse Williams began smoking when he joined the army in the 1950s. Throughout his life, Williams was repeatedly warned by family and others, as well as by the warnings on the cigarette packages, of the dangers associated with smoking cigarettes. His wife sued Philip Morris claiming that it knew or should have known its cigarettes were addictive and caused cancer, and misrepresented to her husband through public statements about the dangers of cancer associated with smoking. The plaintiff's attorney exhorted the jury to punish Philip Morris not only for the injury to Mr. Williams, but to the thousands of other Oregonians who are smokers, regardless of their injuries, if any, and regardless of their reasons for smoking.

WLF argued in its brief filed on behalf of itself and the Allied Education Foundation that under recent U.S. Supreme Court decisions, the jury should have been instructed to ignore alleged harms to other persons for the conduct of the defendant; otherwise, the case would effectively be transformed into a class action without any of the procedural protections afforded defendants in those cases.

WLF's brief was filed with the *pro bono* assistance of Arvin Maskin and Konrad L. Cailteux, partners in the New York firm of Weil, Gotshal & Manges, LLP, and associate David R. Singh. Oral argument in the case will be held later this year.

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For information, contact Paul Kamenar, WLF's Senior Executive Counsel, at 202-588-0302. WLF's brief is on posted on its website at www.wlf.org.