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## WLF Urges Florida Supreme Court to Rein In Arbitrary and Excessive Punitive Damages

(*Coates v. R.J. Reynolds Tobacco Co.*)

**“As both federal and Florida law make clear, the disparity between the jury’s \$16 million punitive award and its \$150,000 compensatory award far exceeds the outermost bounds of due process.”**

—Cory Andrews, WLF General Counsel & Vice President of Litigation

WASHINGTON, DC—Washington Legal Foundation (WLF) today filed an *amicus curiae* brief with the Florida Supreme Court, urging it to provide lower Florida courts with much-needed guidance on the limits due process imposes on punitive damages awards.

The case arises from a wrongful death action against R.J. Reynolds Tobacco Company. After hearing all the evidence, the jury rejected the plaintiff’s claims for fraudulent concealment, conspiracy, and negligence. After awarding the plaintiff \$150,000 solely on her design-defect claim, the jury awarded her a staggering \$16 million in punitive damages. That award produced an eye-popping 106:1 punitive-to-compensatory ratio.

Yet in finding for the plaintiff on her design-defect claim, the jury made no findings about Reynolds’s reprehensibility or intentional wrongdoing; the elements of a strict liability claim require none. As WLF explains in its brief, because strict liability focuses on a product’s defective condition rather than on the manufacturer’s culpable conduct, punitive damages aimed at punishing a defendant for a strict-liability offense raise heightened due-process concerns. Here, there is simply nothing to suggest that the jury found Reynold’s conduct to be especially reprehensible, let alone that it found Reynolds to have acted with the degree of malice and enormity needed to justify so severe a punishment.

WLF’s brief further contends that when, as here, the compensatory award is substantial and the conduct at issue is not heinous, the constitutional maximum is a 1:1 ratio of punitive to compensatory damages. Anything greater than a 1:1 ratio would far exceed the amount necessary to accomplish Florida’s interest in punishing and deterring Reynold’s conduct.

*Celebrating its 44th year, WLF is America’s premier public-interest law firm and policy center advocating for free-market principles, limited government, individual liberty, and the rule of law.*

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