

Draft  
Carter/Loss  
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The verdict in Carter v. American Tobacco (~~Brown & Williamson~~) is an aberration that defies common sense and runs contrary to previous verdicts in smoking and health cases. Indeed, it follows <sup>many</sup> numerous and ~~present~~ positive developments in tobacco litigation, including the decertification of the Castano class, the dismissal of several individual smoking and health cases in Florida, and the decision by the Legal Aid Board in London not to fund a class action ~~case~~ <sup>against the industry</sup> in Great Britain.

*Should* We expect <sup>that</sup> American (~~Brown & Williamson~~) <sup>that</sup> will appeal and ultimately the verdict will be overturned. In the 1988 Cipollone case, for example, the jury's verdict against one <sup>of the</sup> defendant <sup>1</sup> was later reversed by a higher court.

The Carter verdict sets no legal precedent, <sup>especially since</sup> ~~Moreover~~, each case is different and is based on the individual circumstances of <sup>an</sup> individual smokers.

*Are we in a position to opinion on BEWIS chances on appeal?*

*Must be based on its own facts*

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