

Draft
Approved but must be reviewed at time of verdict
8/8/96

The verdict in Carter v. American Tobacco is an aberration that defies common sense and runs contrary to previous verdicts in smoking and health cases. Indeed, it follows many recent 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 against the industry in Great Britain.

We expect American will appeal and ultimately the verdict should be overturned. In the 1988 Cipollone case, for example, the jury's verdict against one of the defendants was later reversed by a higher court.

The Carter verdict sets no legal precedent, especially since each case must be tried on its own facts and is based on the individual circumstances of an individual smoker.

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