

Draft
Employee Desk Drop/Worldwide/All Operating Companies
Signed by M. Bring
8/8/96

The verdict in Carter v. American Tobacco is ~~an unfortunate turn of events~~, but it is not without precedent. We should all remember that the jury returned a verdict against Liggett in the 1988 Cipollone trial that was later reversed on appeal.

The verdict against American Tobacco is an aberration. It defies common sense. It runs contrary to all ~~previous~~ verdicts in smoking and health cases. ~~and~~ ~~the~~ jury after jury have agreed that people who are aware of the risks of smoking and choose to smoke are responsible for ~~that~~ decisions. ~~It is not a responsibility that can or should be transferred to someone else.~~

The Carter verdict sets no legal precedent. It should not have any legal effect on future cases. Each case must be tried on its own facts and is based on the individual circumstances of ~~an~~ individual smoker. ~~It also~~ follows on the heels of 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.

American Tobacco is expected to appeal this decision and, ultimately, ~~this~~ ~~the~~ verdict should ~~also~~ be overturned.

but the verdict

while disappointing

(see the sub. v) \$400,000

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The verdict

the vast majority do

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