

IN THE CIRCUIT COURT OF THE  
FOURTEENTH JUDICIAL CIRCUIT IN  
AND FOR JACKSON COUNTY,  
FLORIDA

EMMON SMITH  
Plaintiff,

CIVIL DIVISION

CASE NO: 09-719-CA

v.

R.J. REYNOLDS TOBACCO COMPANY,  
et. al.  
Defendants.

---

**PLAINTIFF'S NOTICE OF FILING**

Plaintiff, Emmon Smith, by and through his undersigned counsel, hereby files Plaintiff's Exhibit G to the parties Joint Pretrial Stipulation.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent via U.S. mail this 2 day of December, 2010 to all counsel on the attached Service list.

RATZAN & RUBIO, P.A.  
Attorneys for Plaintiffs  
1450 Brickell Avenue  
Suite 2600  
Miami, FL 33131  
Telephone: (305) 374-6366  
Facsimile: (305) 374-6755

By: 

Maria L. Rubio  
Florida Bar No. 623891

IN THE CIRCUIT COURT OF THE FOURTEENTH JUDICIAL CIRCUIT  
IN AND FOR JACKSON COUNTY, FLORIDA  
CIVIL DIVISION

EMMON SMITH,

Plaintiff,

CASE NO. 09-719-CA

vs.

R.J. REYNOLDS TOBACCO  
COMPANY,

Defendant.

\_\_\_\_\_ /

**JURY VERDICT FORM**

We, the Jury, return the following verdict:

1. Was Emmon Smith addicted to cigarettes containing nicotine manufactured by R.J. Reynolds Tobacco Company, and if so, was such addiction a legal cause of his lung cancer?

Yes \_\_\_\_\_

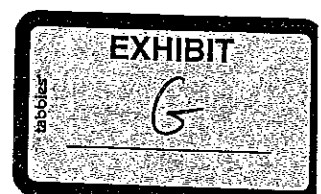
No \_\_\_\_\_

[If you answered "NO" to question 1, your verdict is for R.J. Reynolds Tobacco Company and you should proceed no further except to date and sign the verdict form and return it to the courtroom. If you answered "YES" to question 1, please answer Questions 2 thru 7.]

2. Was R.J. Reynolds Tobacco Company's negligence a legal cause of Emmon Smith's lung cancer?

Yes \_\_\_\_\_

No \_\_\_\_\_



3. Were the defective and unreasonably dangerous cigarettes placed on the market by R.J. Reynolds Tobacco Company a legal cause of Emmon Smith's lung cancer?

Yes \_\_\_\_\_ No \_\_\_\_\_

4. Was R.J. Reynolds Tobacco Company's concealment or omission of material information about the health effects or addictive nature of smoking cigarettes, or both, a legal cause of Emmon Smith's lung cancer?

Yes \_\_\_\_\_ No \_\_\_\_\_

5. Was R.J. Reynolds Tobacco Company's agreement with others to conceal or omit information regarding the health effects of cigarettes or their addictive nature a legal cause of Emmon Smith's lung cancer?

Yes \_\_\_\_\_ No \_\_\_\_\_

6. Was R.J. Reynolds Tobacco Company's breach of its express warranties to Emmon Smith a legal cause of Emmon Smith's lung cancer?

Yes \_\_\_\_\_ No \_\_\_\_\_

7. Was R.J. Reynolds Tobacco Company's breach of its implied warranties to Emmon Smith a legal cause of Emmon Smith's lung cancer?

Yes \_\_\_\_\_ No \_\_\_\_\_

[If you answered "NO" to ALL questions 2, 3, 4, 5, 6, and 7, your verdict is for R.J. Reynolds Tobacco Company and you should proceed no further except to date and sign the verdict form and return it to the courtroom. If you answered "YES" to any or all of questions 2, 3, 4, 5, 6, and 7, please answer question 8.]

8. Please state the percentage of any fault that was a legal cause of Emmon Smith's lung cancer that you charge to:

R.J. REYNOLDS TOBACCO COMPANY \_\_\_\_\_ %

EMMON SMITH \_\_\_\_\_ %

*(The total of percentage must be 100%)*

Please answer questions 9, 10, 11, 12, 13, and 14.

9. Did Mr. Smith's right to bring a lawsuit for lung cancer caused by R.J. Reynolds Tobacco Company's negligence accrue on or before May 5, 1990?

Yes \_\_\_\_\_ No \_\_\_\_\_

10. Did Mr. Smith's right to bring a lawsuit for lung cancer caused by R.J. Reynolds Tobacco Company's defective and unreasonably dangerous product accrue on or before May 5, 1990?

Yes \_\_\_\_\_ No \_\_\_\_\_

11. Did Mr. Smith's right to bring a lawsuit for lung cancer caused by R.J. Reynolds Tobacco Company's concealed or omitted of material information accrue on or before May 5, 1990?

Yes \_\_\_\_\_ No \_\_\_\_\_

12. Did Mr. Smith's right to bring a lawsuit for lung cancer caused by R.J. Reynolds Tobacco Company's conspiracy to conceal or omit material information accrue on or before May 5, 1990?

Yes \_\_\_\_\_ No \_\_\_\_\_

13. Did Mr. Smith's right to bring a lawsuit for lung cancer caused by R.J. Reynolds Tobacco Company's breach of express warranties accrue on or before May 5, 1990?

Yes \_\_\_\_\_ No \_\_\_\_\_

14. Did Mr. Smith's right to bring a lawsuit for lung cancer caused by R.J. Reynolds Tobacco Company's breach of implied warranties accrue on or before May 5, 1990?

Yes \_\_\_\_\_ No \_\_\_\_\_

**[If you answered "YES" to ALL questions 9, 10, 11, 12, 13, and 14 your verdict is for R.J. Reynolds Tobacco Company and you should proceed no further except to date and sign the verdict form and return it to the courtroom. If you answered "NO" to any or all of questions 9, 10, 11, 12, 13 and 14, please answer questions 15, 16, 17 and 18.]**

[In determining the amount of damages, do not make any reduction because of the negligence, if any, of (name). If you find that (name) was to any extent negligent, the court in entering judgment will make an appropriate reduction in the damages awarded.]

15. What is the total amount of Emmon Smith's damages for lost earnings in the past, loss of earning capacity in the future, medical expenses incurred in the past, medical expenses to be incurred in the future, and (list any other economic damages)?

\$ \_\_\_\_\_  
(Line 1)

16. What is the total amount of Emmon Smith's damages for pain and suffering, disability, physical impairment, disfigurement, mental anguish, inconvenience, aggravation of a disease or physical defect (list any other noneconomic damages) and loss of capacity for the enjoyment of life sustained in the past and to be sustained in the future?

\$ \_\_\_\_\_  
(Line 2)

**TOTAL DAMAGES OF EMMON SMITH**  
(add lines 1 and 2)

\$ \_\_\_\_\_

17. Under the circumstances of this case, state whether you find by clear and convincing evidence that punitive damages are warranted against R.J. Reynolds Tobacco Company.

Yes \_\_\_\_\_ No \_\_\_\_\_

18. What is the total amount of punitive damages, if any, which you find, by the greater weight of the evidence, should be assessed against R.J. Reynolds Tobacco Company?

\$ \_\_\_\_\_

*(Please sign and date the verdict form)*

SO SAY WE ALL THIS \_\_\_\_\_ DAY OF JANUARY 2011.

\_\_\_\_\_  
Foreperson

\_\_\_\_\_  
Foreperson Printed Name