

**FINAL DRAFT - MARCH 11, 1999**

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**March \_\_, 1999**

**JURY DEADLOCKS ON LIABILITY  
IN OHIO UNION FUNDS LAWSUIT**

AKRON (Mar. \_\_) - An Ohio jury failed today to assign any responsibility to the major U.S. tobacco manufacturers for alleged smoking-related medical costs paid by union health care funds for their workers.

The inability of the \_\_-member jury in U.S. District Court for the Northern District of Ohio to reach a verdict strengthens the findings of 10 federal court judges in other states who have dismissed without trial similar cases, many brought by the same lawyers, for union health funds.

"We have known all along that this lawsuit should never have gone to trial.

"The plaintiffs' lawyers gave this case their best shot before a sympathetic judge who ruled in their favor on virtually every claim in the two-year history of this case.

"Even so, and despite the liberal rules of plaintiffs' evidence allowed during the trial, they still were unable to convince every member of the jury that their allegations were true," said \_\_\_\_\_, attorney for \_\_\_\_\_.

"The plaintiffs' lawyers tried to turn this case into a referendum on the political correctness of cigarettes and the problems with youth smoking in America, and at least some of the jurors were able to see the case for the sham that it was," he said.

The class-action suit, brought on behalf of more than 100 Ohio union health care funds, alleged the tobacco companies

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improperly shifted smoking-related health care costs to the unions by concealing facts about the negative health effects related to smoking.

Plaintiffs' lawyers also alleged that the tobacco companies conspired to suppress the development of a safer cigarette, but offered no evidence that such a product was feasible.

"We have maintained all along that these contrived cases are based on tortured theories of the law and built on a foundation of fiction - they are designed solely to unjustly enrich the pockets of plaintiffs' lawyers and the union health funds."

"It is gratifying that some jurors, after hearing all the facts and seeing all the evidence in this case, used their common sense and agreed that people have known for decades about the potential health risks of smoking," said \_\_\_\_\_.

The plaintiffs' lawyers alleged - but offered no evidence - that the tobacco companies unfairly targeted their advertising towards blue-collar workers and concealed information about health risks from those workers.

The union funds were seeking monetary damages to reimburse them for payments made on behalf of union workers, but the workers themselves would have received no money had the union funds prevailed.

"For the plaintiffs' lawyers to claim that Ohio's working men and women were unable to make personal and informed choices about smoking because of tobacco advertising, or to understand the well-known potential health risks of smoking, is both patronizing and insulting.

"In fact, for more than three decades every pack of cigarettes sold in the United States has carried a health warning mandated by Congress," \_\_\_\_\_ said.

The funds' lawyers contended that, had the health care funds known of the alleged health dangers of smoking, steps such as smoking cessation programs for members would have been taken that would have lowered health care costs.

"As ridiculous as it is to think that union workers who smoked were unaware of health risks, it is absurd to think that the health funds - with professional administrators and consulting health care professionals - were ignorant of the potential dangers of smoking," said \_\_\_\_\_.

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The union fund claims, seeking \$670 million in compensatory damages, were brought under federal and state RICO laws and civil conspiracy statutes. At the conclusion of the plaintiffs' evidence, the federal RICO allegations were dismissed by U.S. District Judge James S. Gwin.

Although Gwin allowed the case to go to trial, 10 other federal judges have considered similar cases brought by the same group of plaintiffs' lawyers and dismissed them at the pre-trial level on the basis that there is no legal cause of action for the unions.

"It's preposterous to think that those who manage union health care funds were somehow insulated from all the scientific, public and common knowledge of the health risks of smoking," said \_\_\_\_\_.

"The decision by the jury not to find any liability on behalf of the tobacco manufacturers shows the substantial legal obstacles plaintiffs' lawyers have in these types of cases where common sense prevails," he added.

Defendants in the case included: Philip Morris Inc.; R.J. Reynolds Co.; Brown and Williamson Tobacco Co.; and Lorillard Tobacco Co.