

IN THE CIRCUIT COURT OF THE 11TH  
JUDICIAL CIRCUIT IN AND FOR DADE  
COUNTY FLORIDA

GENERAL JURISDICTION DIVISION

CASE NO.: 94-08273 CA (22)

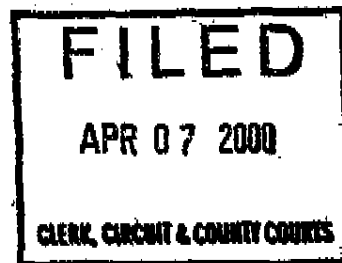
HOWARD A. ENGLE, M.D., et al.,

Plaintiffs,

v.

RJ REYNOLDS TOBACCO COMPANY, et al.,

Defendants.



VERDICT FORM FOR PHASE II

We, the Jury, return the following Verdict:

Question No. 1

[Legal Causation]

In your verdict of July 7, 1999, you found that smoking cigarettes causes some diseases including lung cancer and laryngeal (throat) cancer.

Was smoking cigarettes a legal cause of Mary Farnan's lung cancer?

Yes

No

Was smoking cigarettes a legal cause of Frank Amodeo's laryngeal (throat) cancer?

Yes

No

Was smoking cigarettes a legal cause of Angie Della Vecchia's lung cancer and death?

Yes

No

If your answer as to one or more of the Class Representatives, above, is "No", your verdict is for the Defendants as to that Class Representative and you should not answer any further questions as to that Class Representative. If you answered "No" to Question No. 1 for all three Class Representatives, you do not need to answer any further questions. Please sign and date the last page. If you answered "Yes" as to one or more of the Class Representatives, please answer the following questions as to that or those Class Representatives.

Question No.2

## [Strict Liability]

You found in your Verdict of July 7, 1999 that each of the Defendant tobacco companies placed cigarettes on the market that were defective and unreasonably dangerous, both before and after July 1, 1974 (except for Brooke whose liability is limited to after July 1, 1974).

Were defective and unreasonably dangerous cigarettes placed on the market by one or more of the Defendant tobacco companies a legal cause of damage to Class Representatives Mary Farnan, and/or Frank Amodeo and/or a legal cause of death to Angie Della Vecchia, deceased?

Please answer "Yes" or "No" as to each Class Representative below.

**a. Mary Farnan**

Philip Morris, Incorporated Yes  No

RJ Reynolds Tobacco Company Yes  No

Brown & Williamson Tobacco Corporation,  
individually and as successor by merger  
to the American Tobacco Company Yes  No

Lorillard Tobacco Company/Lorillard, Inc. Yes  No

Liggett Group Inc. Yes  No

Brooke Group Holding Inc. Yes  No

**b. Frank Amodeo**

Philip Morris, Incorporated Yes  No

RJ Reynolds Tobacco Company Yes  No

Brown & Williamson Tobacco Corporation,  
individually and as successor by merger  
to the American Tobacco Company Yes  No

Lorillard Tobacco Company/Lorillard, Inc. Yes  No

Liggett Group Inc. Yes  No

Brooke Group Holding Inc. Yes  No

## c. Estate of Angie Della Vecchia, deceased

Philip Morris, Incorporated	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
RJ Reynolds Tobacco Company	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Brown & Williamson Tobacco Corporation, individually and as successor by merger to the American Tobacco Company	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Lorillard Tobacco Company/Lorillard, Inc.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Liggett Group Inc.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Brooke Group Holding Inc.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

Question No. 3

## [Fraud and Misrepresentation]

In your July 7, 1999 Verdict you found that each of the Defendants made a false statement of a material fact, either knowing the statement was false or misleading, or being without knowledge as to its truth or falsity with the intention of misleading smokers, both before and after May 5, 1982 (except for Brooke, whose liability is limited to after May 5, 1982).

Did Class Representatives Mary Farnan, Frank Amodeo and/or Angie Della Vecchia, deceased rely on a false statement(s) of material fact that was a legal cause of damage or death to that Class Representative?

Please answer "Yes" or "No" as indicated below.

**Mary Farnan**

<b>Philip Morris, Incorporated</b>		
before May 5, 1982	Yes <input type="checkbox"/>	No <input type="checkbox"/>
after May 5, 1982	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Both before and after May 5, 1982	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
<b>RJ Reynolds Tobacco Company</b>		
before May 5, 1982	Yes <input type="checkbox"/>	No <input type="checkbox"/>
after May 5, 1982	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Both before and after May 5, 1982	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
<b>Brown &amp; Williamson Tobacco Corporation, individually and as successor by merger to the American Tobacco Company</b>		
before May 5, 1982	Yes <input type="checkbox"/>	No <input type="checkbox"/>
after May 5, 1982	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Both before and after May 5, 1982	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

**Lorillard Tobacco Company/Lorillard, Inc.**

before May 5, 1982

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

after May 5, 1982

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

Both before and after May 5, 1982

Yes  No \_\_\_\_\_**Liggett Group Inc.**

before May 5, 1982

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

after May 5, 1982

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

Both before and after May 5, 1982

Yes  No \_\_\_\_\_**Brooke Group Holding Inc.**

after May 5, 1982

Yes  No \_\_\_\_\_**Council for Tobacco Research**

before May 5, 1982

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

after May 5, 1982

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

Both before and after May 5, 1982

Yes  No \_\_\_\_\_**Tobacco Institute**

before May 5, 1982

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

after May 5, 1982

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

Both before and after May 5, 1982

Yes  No \_\_\_\_\_**Frank Amodeo****Philip Morris, Incorporated**

before May 5, 1982

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

after May 5, 1982

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

Both before and after May 5, 1982

Yes  No \_\_\_\_\_**RJ Reynolds Tobacco Company**

before May 5, 1982

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

after May 5, 1982

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

Both before and after May 5, 1982

Yes  No \_\_\_\_\_**Brown & Williamson Tobacco Corporation,  
individually and as successor by merger  
to the American Tobacco Company**

before May 5, 1982

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

after May 5, 1982

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

Both before and after May 5, 1982

Yes  No \_\_\_\_\_**Lorillard Tobacco Company/Lorillard, Inc.**

before May 5, 1982

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

after May 5, 1982

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

Both before and after May 5, 1982

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

**Liggett Group Inc.**

before May 5, 1982

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

after May 5, 1982

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

Both before and after May 5, 1982

Yes  No \_\_\_\_\_**Brooke Group Holding Inc.**

after May 5, 1982

Yes  No \_\_\_\_\_**Council for Tobacco Research**

before May 5, 1982

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

after May 5, 1982

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

Both before and after May 5, 1982

Yes  No \_\_\_\_\_**Tobacco Institute**

before May 5, 1982

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

after May 5, 1982

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

Both before and after May 5, 1982

Yes  No \_\_\_\_\_**Angie Della Vecchia, deceased****Philip Morris, Incorporated**

before May 5, 1982

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

after May 5, 1982

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

Both before and after May 5, 1982

Yes  No \_\_\_\_\_**RJ Reynolds Tobacco Company**

before May 5, 1982

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

after May 5, 1982

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

Both before and after May 5, 1982

Yes  No \_\_\_\_\_**Brown & Williamson Tobacco Corporation,  
individually and as successor by merger  
to the American Tobacco Company**

before May 5, 1982

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

after May 5, 1982

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

Both before and after May 5, 1982

Yes  No \_\_\_\_\_**Lorillard Tobacco Company/Lorillard, Inc.**

before May 5, 1982

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

after May 5, 1982

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

Both before and after May 5, 1982

Yes  No \_\_\_\_\_**Liggett Group Inc.**

before May 5, 1982

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

after May 5, 1982

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

Both before and after May 5, 1982

Yes  No \_\_\_\_\_**Brooke Group Holding Inc.**

after May 5, 1982

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

**Council for Tobacco Research**

before May 5, 1982

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

after May 5, 1982

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

Both before and after May 5, 1982

Yes  No \_\_\_\_\_**Tobacco Institute**

before May 5, 1982

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

after May 5, 1982

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

Both before and after May 5, 1982

Yes  No \_\_\_\_\_Question No. 4.

[Fraud by Concealment]

In your Verdict of July 7, 1999 you found that each of the Defendants concealed or omitted material information, not otherwise known or available, knowing the material was false and misleading, or failed to disclose a material fact concerning or proving the health effects and/or addictive nature of smoking cigarettes, both before and after May 5, 1982 (except for Brooke, whose liability is limited to after May 5, 1982).

As to each of the Defendants, was that Defendant's concealment or omission a legal cause of injury to Class Representatives Mary Farnan, and/or Frank Amodeo and/or Angie Della Vecchia, deceased?

Please answer "Yes" or "No" as indicated below.

**Mary Farnan****Philip Morris, Incorporated**

before May 5, 1982

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

after May 5, 1982

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

Both before and after May 5, 1982

Yes  No \_\_\_\_\_**RJ Reynolds Tobacco Company**

before May 5, 1982

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

after May 5, 1982

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

Both before and after May 5, 1982

Yes  No \_\_\_\_\_**Brown & Williamson Tobacco Corporation,  
individually and as successor by merger  
to the American Tobacco Company**

before May 5, 1982

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

after May 5, 1982

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

Both before and after May 5, 1982

Yes  No \_\_\_\_\_**Lorillard Tobacco Company/Lorillard, Inc.**

before May 5, 1982

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

after May 5, 1982

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

Both before and after May 5, 1982

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

**Liggett Group Inc.**

before May 5, 1982  
after May 5, 1982  
Both before and after May 5, 1982

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

**Brooke Group Holding Inc.**

after May 5, 1982

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

**Council for Tobacco Research**

before May 5, 1982  
after May 5, 1982  
Both before and after May 5, 1982

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

**Tobacco Institute**

before May 5, 1982  
after May 5, 1982  
Both before and after May 5, 1982

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

**Frank Amodeo**

**Philip Morris, Incorporated**

before May 5, 1982  
after May 5, 1982  
Both before and after May 5, 1982

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

**RJ Reynolds Tobacco Company**

before May 5, 1982  
after May 5, 1982  
Both before and after May 5, 1982

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

**Brown & Williamson Tobacco Corporation,  
individually and as successor by merger  
to the American Tobacco Company**

before May 5, 1982  
after May 5, 1982  
Both before and after May 5, 1982

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

**Lorillard Tobacco Company/Lorillard, Inc.**

before May 5, 1982  
after May 5, 1982  
Both before and after May 5, 1982

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

**Liggett Group Inc.**

before May 5, 1982  
after May 5, 1982  
Both before and after May 5, 1982

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

**Brooke Group Holding Inc.**

after May 5, 1982

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

**Council for Tobacco Research**

before May 5, 1982

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

after May 5, 1982

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

Both before and after May 5, 1982

Yes  \_\_\_\_\_ No \_\_\_\_\_**Tobacco Institute**

before May 5, 1982

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

after May 5, 1982

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

Both before and after May 5, 1982

Yes  \_\_\_\_\_ No \_\_\_\_\_**Angie Della Vecchia, deceased****Philip Morris, Incorporated**

before May 5, 1982

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

after May 5, 1982

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

Both before and after May 5, 1982

Yes  \_\_\_\_\_ No \_\_\_\_\_**RJ Reynolds Tobacco Company**

before May 5, 1982

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

after May 5, 1982

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

Both before and after May 5, 1982

Yes  \_\_\_\_\_ No \_\_\_\_\_**Brown & Williamson Tobacco Corporation,  
individually and as successor by merger  
to the American Tobacco Company**

before May 5, 1982

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

after May 5, 1982

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

Both before and after May 5, 1982

Yes  \_\_\_\_\_ No \_\_\_\_\_**Lorillard Tobacco Company/Lorillard, Inc.**

before May 5, 1982

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

after May 5, 1982

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

Both before and after May 5, 1982

Yes  \_\_\_\_\_ No \_\_\_\_\_**Liggett Group Inc.**

before May 5, 1982

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

after May 5, 1982

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

Both before and after May 5, 1982

Yes  \_\_\_\_\_ No \_\_\_\_\_**Brooke Group Holding Inc.**

after May 5, 1982

Yes  \_\_\_\_\_ No \_\_\_\_\_**Council for Tobacco Research**

before May 5, 1982

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

after May 5, 1982

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

Both before and after May 5, 1982

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



**Tobacco Institute**

before May 5, 1982	Yes _____	No _____
after May 5, 1982	Yes _____	No _____
Both before and after May 5, 1982	Yes <input checked="" type="checkbox"/>	No _____

Question No. 5**[Civil Conspiracy-Misrepresentation]**

In your Verdict of July 7, 1999 you found that all of the Defendants entered into an agreement to misrepresent information relating to the health effects of cigarette smoking, or the addictive nature of smoking cigarettes, with the intention that smokers and members of the public rely to their detriment.

As to each of the Class Representatives below, was his or her injury legally caused by acts done in furtherance of an agreement among two or more defendants to commit an act of fraud or misrepresentation, as found in Phase One? Please answer "Yes" or "No" with reference to the periods of time before and after May 5, 1982.

**Mary Farnan**

Before May 5, 1982	Yes _____	No _____
After May 5, 1982	Yes _____	No _____
Both before and after May 5, 1982	Yes <input checked="" type="checkbox"/>	No _____

**Frank Amodeo**

Before May 5, 1982	Yes _____	No _____
After May 5, 1982	Yes _____	No _____
Both before and after May 5, 1982	Yes <input checked="" type="checkbox"/>	No _____

**Angie Della Vecchia, deceased**

Before May 5, 1982	Yes _____	No _____
After May 5, 1982	Yes _____	No _____
Both before and after May 5, 1982	Yes <input checked="" type="checkbox"/>	No _____

Question No. 6.**[Civil Conspiracy-Concealment]**

In your Verdict of July 7, 1999 you found that all of the Defendants entered into an agreement to conceal or omit information regarding the health effects of cigarette smoking, or the addictive nature of smoking cigarettes, with the intention that smokers and members of the public rely to their detriment.

As to each of the Class Representatives below, was his or her injury legally caused by acts done before or after May 5, 1982 in furtherance of an agreement among two or more of the defendants to commit an act of omission or concealment? Please answer "Yes" or "No" with reference to the periods of time before and after May 5, 1982.

**Mary Farnan**

Before May 5, 1982

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

After May 5, 1982

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

Both before and after May 5, 1982

Yes  No \_\_\_\_\_**Frank Amodeo**

Before May 5, 1982

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

After May 5, 1982

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

Both before and after May 5, 1982

Yes  No \_\_\_\_\_**Angie Della Vecchia, deceased**

Before May 5, 1982

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

After May 5, 1982

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

Both before and after May 5, 1982

Yes  No \_\_\_\_\_Question No. 7.**[Breach of Implied Warranty]**

In your Verdict of July 7, 1999, you found that each of the Defendant Tobacco Companies sold or supplied cigarettes that were defective in that they were not reasonably fit for the uses intended, both before and after July 1, 1974 (except for Brooke whose liability is limited to after July 1, 1974).

As to each of the Defendants, below, please state whether the sale or supply of defective cigarettes was a legal cause of damage to Class Representatives Mary Farnan and/or Frank Amodeo and/or was a legal cause of death to Angie Della Vecchia, deceased.

Please answer "Yes" or "No" as to each Defendant, below:

**Philip Morris, Incorporated**

Mary Farnan

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

Frank Amodeo

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

Angie Della Vecchia, deceased

Yes  No \_\_\_\_\_**RJ Reynolds Tobacco Company**

Mary Farnan

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

Frank Amodeo

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

Angie Della Vecchia, deceased

Yes  No \_\_\_\_\_**Brown & Williamson Tobacco Corporation,  
individually and as successor by merger  
to the American Tobacco Company**

Mary Farnan

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

Frank Amodeo

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

Angie Della Vecchia, deceased

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

**Lorillard Tobacco Company/Lorillard, Inc.**

Mary Farnan	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Frank Amodeo	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Angie Della Vecchia, deceased	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

**Liggett Group Inc.**

Mary Farnan	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Frank Amodeo	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Angie Della Vecchia, deceased	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

**Brooke Group Holding Inc.**

Mary Farnan	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Frank Amodeo	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Angie Della Vecchia, deceased	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

Question No. 8.

[Breach of Express Warranty]

In your Verdict of July 7, 1999, you found that each of the Defendant tobacco companies sold or supplied cigarettes that, at the time of sale or supply, did not conform to representations of fact made by said Defendant(s), either orally or in writing, both before and after July 1, 1974 (except for Brooke whose liability is limited to after July 1, 1974).

As to each of the Defendants, below, was that Defendant's breach of express warranty a legal cause of damage to Class Representatives Mary Farnan and/or Frank Amodeo and/or a legal cause of death to Angie Della Vecchia, deceased?

Please answer "Yes" or "No" as to each Defendant, below:

**Philip Morris, Incorporated**

Mary Farnan	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Frank Amodeo	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Angie Della Vecchia, deceased	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

**RJ Reynolds Tobacco Company**

Mary Farnan	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Frank Amodeo	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Angie Della Vecchia, deceased	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

**Brown & Williamson Tobacco Corporation,  
individually and as successor by merger  
to the American Tobacco Company**

Mary Farnan	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Frank Amodeo	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Angie Della Vecchia, deceased	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

**Lorillard Tobacco Company/Lorillard, Inc.**

Mary Farnan	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Frank Amodeo	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Angie Della Vecchia, deceased	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

**Liggett Group Inc.**

Mary Farnan	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Frank Amodeo	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Angie Della Vecchia, deceased	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

**Brooke Group Holding Inc.**

Mary Farnan	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Frank Amodeo	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Angie Della Vecchia, deceased	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

Question No. 9.

[Negligence]

In your Verdict of July 7, 1999, you found that all of the Defendant Tobacco Companies failed to exercise the degree of care which a reasonable cigarette manufacturer would exercise under like circumstances, both before and after July 1, 1969 (except for Brooke whose liability is limited to after July 1, 1969).

As to each of the Defendants, below, please state whether that Defendant's negligence was a legal cause of damage to Class Representatives Mary Farnan and/or Frank Amodeo and/or a legal cause of death to Angie Della Vecchia, deceased.

Please answer "Yes" or "No" as to each Defendant, below:

**Philip Morris, Incorporated**

Mary Farnan	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Frank Amodeo	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Angie Della Vecchia, deceased	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

**RJ Reynolds Tobacco Company**

Mary Farnan  
Frank Amodeo  
Angie Della Vecchia, deceased

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

**Brown & Williamson Tobacco Corporation,  
individually and as successor by merger  
to the American Tobacco Company**

Mary Farnan  
Frank Amodeo  
Angie Della Vecchia, deceased

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

**Lorillard Tobacco Company/Lorillard, Inc.**

Mary Farnan  
Frank Amodeo  
Angie Della Vecchia, deceased

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

**Liggett Group Inc.**

Mary Farnan  
Frank Amodeo  
Angie Della Vecchia, deceased

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

**Brooke Group Holding Inc.**

Mary Farnan  
Frank Amodeo  
Angie Della Vecchia, deceased

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

Question No. 10

[Intentional Infliction of Emotional Distress]

In your Verdict of July 7, 1999, you found that the Plaintiffs had proven that all of the Defendant Tobacco Companies engaged in extreme and outrageous conduct or with reckless disregard relating to cigarettes sold or supplied to Florida smokers with the intent to inflict severe emotional distress.

As to each of the Defendants below, please state whether that Defendant's extreme and outrageous conduct was a legal cause of injury to Class Representatives Mary Farnan and/or Frank Amodeo.

Please answer "Yes" or "No" as to each Defendant, below:

**Philip Morris, Incorporated**

Mary Farnan  
Frank Amodeo

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

**RJ Reynolds Tobacco Company**

Mary Farnan  
Frank Amodeo

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

**Brown & Williamson Tobacco Corporation,  
Individually and as successor by merger  
to the American Tobacco Company**

Mary Farnan  
Frank Amodeo

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

**Lorillard Tobacco Company/Lorillard, Inc.**

Mary Farnan  
Frank Amodeo

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

**Liggett Group Inc.**

Mary Farnan  
Frank Amodeo

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

**Brooke Group Holding Inc.**

Mary Farnan  
Frank Amodeo

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

Question No. 11

[Statute of Limitations]

a. Did Frank Amodeo know, or should he have known, on or before May 5, 1990, in the exercise of reasonable care that he was addicted to smoking?

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

b. Did Frank Amodeo know, or should he have known, on or before May 5, 1990, in the exercise of reasonable care that he had cancer and that there was a reasonable possibility that his cancer was caused by cigarette smoking?

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

Question No. 12

## [Comparative Fault]

If your answer to Question Nos. 2, 7, 8 and/or 9 as to one or more of the Class Representatives was "Yes" as to any Defendant, please answer the following questions relating to that Class Representative.

- a. Was there fault on the part of one or more of the Class Representatives that was a legal cause of his or her damage?

Please answer "Yes" or "No" as to each Class Representative, below:

Mary Farnan	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Frank Amodeo	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Angie Della Vecchia, Deceased	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

- b. State the percentage of any fault which was a legal cause of damage to Class Representative Mary Farnan, that you charge to:

Philip Morris, Incorporated	<u>5</u> %
RJ Reynolds Tobacco Company	<u>50</u> %
Brown & Williamson Tobacco Corporation, individually and as successor by merger to the American Tobacco Company	<u>20</u> %
Lorillard Tobacco Company/Lorillard, Inc.	<u>5</u> %
Liggett Group Inc.	<u>0</u> %
Brooke Group Holding Inc.	<u>0</u> %
Mary Farnan	<u>20</u> %
<b>TOTAL MUST BE</b>	<b>100%</b>

- c. State the percentage of any fault which was a legal cause of damage to Class Representative Frank Amodeo that you charge to:

Philip Morris, Incorporated	<u>20</u> %
RJ Reynolds Tobacco Company	<u>5</u> %
Brown & Williamson Tobacco Corporation, individually and as successor by merger to the American Tobacco Company	<u>50</u> %

Lorillard Tobacco Company/Lorillard, Inc.	<u>0</u> %
Liggett Group Inc.	<u>0</u> %
Brooke Group Holding Inc.	<u>0</u> %
Frank Amodeo	<u>25</u> %
<b>TOTAL MUST BE</b>	<b>100%</b>

d. State the percentage of any fault which was a legal cause of damage to Angie Della Vecchia, Deceased that you charge to:

Philip Morris, Incorporated	<u>0</u> %
RJ Reynolds Tobacco Company	<u>50</u> %
Brown & Williamson Tobacco Corporation, individually and as successor by merger to the American Tobacco Company	<u>35</u> %
Lorillard Tobacco Company/Lorillard, Inc.	<u>0</u> %
Liggett Group Inc.	<u>0</u> %
Brooke Group Holding Inc.	<u>0</u> %
Angie Della Vecchia, Deceased	<u>15</u> %
<b>TOTAL MUST BE</b>	<b>100%</b>

Your answers to Question 12(b)(c) and (d) must each total 100%, and should include a zero for any Defendant or Class Representative you found not at fault.

If you answered "No" as to all Class Representatives and all Defendants in Questions 2 through 10, then your verdict is for the Defendants and you should not continue any further except to sign and date the Verdict Form. If you answered "Yes" as to any Class Representative against any Defendant, in any of Questions 2 through 10, please answer Question Nos. 13 and 14 as it pertains to that or those Class Representatives.



Question No. 13

## [Damages]

a. What is the total amount of damages sustained by Class Representative Mary Farnan?

1. **ECONOMIC DAMAGES** [including medical expense, hospitalization, medical care in the past or to be obtained in the future; lost earnings and lost ability to earn money in the future; loss of ability to earn money in the past and in the future; and loss of household services]

a. \$ 1,250,000

2. **INTANGIBLE DAMAGES** [damages incurred in the past or that will be experienced in the future, including bodily injuries, pain and suffering, disability, physical impairment, disfigurement, mental anguish, inconvenience and loss of capacity of the enjoyment of life]

b. \$ 1,600,000

Total damages of Class Representative Mary Farnan

TOTAL (add lines a & b) \$ 2,850,000

b. What is the total amount of damages sustained by Class Representative Frank Amodeo?

1. **ECONOMIC DAMAGES** [including medical expense, hospitalization, medical and nursing care in the past or to be obtained in the future; lost earnings and lost ability to earn money in the future; loss of ability to earn money in the past and in the future; and loss of household services]

a. \$ 2,081,000

2. **INTANGIBLE DAMAGES** [damages incurred in the past or that will be experienced in the future, including bodily injuries, pain and suffering, disability, physical impairment, disfigurement, mental anguish, inconvenience and loss of capacity of the enjoyment of life]

b. \$ 3,750,000

Total damages of Class Representative Frank Amodeo:

TOTAL (add lines a & b) \$ 5,831,000

Question No. 14

What is the total amount of damages sustained by the Estate of Angie Della Vecchia, deceased, and the statutory survivors, her husband Ralph Della Vecchia and her minor son James?

**RALPH DELLA VECCHIA** [loss of companionship, loss of protection, and mental pain and suffering, in the past and in the future]

a. \$ 1,500,000

**JAMES DELLA VECCHIA** [loss of parental companionship, instruction, guidance and mental pain and suffering, in the past and in the future]

b. \$ 2,000,000

**THE ESTATE OF ANGIE DELLA VECCHIA** [funeral expenses, medical and hospital expenses and loss of household services]

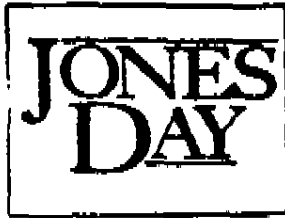
c. \$ 523,000

**TOTAL** (add lines a , b & c)

\$ 4,023,000

In determining the total amount of damages, do not make any reduction because of the comparative fault, if any, of Class Representatives Mary Farnan, Frank Amodeo and/or Angie Della Vecchia, deceased. If you found one or more of the Class Representatives at fault to any degree, the Court in entering Judgment will reduce that Class Representative's total amount of damages (100%) by the percentage of fault which you found as chargeable to the Class Representative or decedent.

SO SAY WE ALL, this 7<sup>th</sup> day of APRIL, 2000.



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