

Broward Lawyer Sparks Class Action to Ban Sale of Juul E-Cigarettes

Schlesinger Law Firm attorney Jonathan Gdanski filed a motion for permanent injunction against the company.

By **Zach Schlein** | July 26, 2019 at 01:51 PM



Juul electronic cigarette and packaging with nicotine warning. Photo: MaryCaroline/Shutterstock.com

A South Florida attorney has asked a federal judge to halt the sale of electronic cigarettes manufactured by Juul Labs Inc.

Jonathan Gdanski, a litigator with the Schlesinger Law Firm in Fort Lauderdale, filed a motion in the U.S. District Court for the Middle District of Florida on Thursday asking for a permanent injunction against the San Francisco-based based company. The motion asks the court to block the sale of Juul products nationwide as the company has never sought approval from the Food and Drug Administration to sell its electronic nicotine devices, as required by the Tobacco Control Act.

The injunction request also mirrors the allegations made in the class action complaint against Juul, its parent company Altria Group Inc., and Philip Morris USA Inc., a subsidiary under the Altria corporate umbrella. Both the lawsuit and Wednesday's motion contend Juul executives criminally and deceptively underplayed the risks of e-cigarettes while deliberately marketing their product to adolescents.

Gdanski told the Daily Business Review that Juul and other e-cigarette companies were granted a five-year extension to seek federal approval by the FDA in 2017. However, he said the spike in Juul usage among young Americans has created a public health crisis that requires judicial intervention.

"Juul is by far the leader in the field of e-cigarettes and should be treated as they would've otherwise been treated," Gdanski said, calling the motion for injunction a hope for a course correction on the discourse surrounding e-cigarettes. The attorney said seeking a nationwide injunction is not something he or his firm take lightly.

"We're seeing that Juul is hunkering down in their ability to resist regulation. ... And we decided we cant wait any longer," Gdanski said, noting the company has tossed its financial weight behind **a ballot measure to overturn San Francisco's ban on the sale e-cigarette sales.**

Read the motion for preliminary injunction:

Gdanski acknowledged the enormity of requesting a universal ban on an ubiquitous product.

“I’m sure there is a pushback on nationwide injunctions, but this issue exists in a much broader space than this motion,” he said. “This is a national public health issue, and litigation is one component of the weapons that exist to try to promote public health.”

He added, “The ball is in Juul’s court to say, ‘Listen, we’re good corporate citizens ... and we will prove that [Juul products] will pass the test for pre-market approval.’”

The class would encompass everyone in the United States who’s purchased Juuls, as well as the legal guardians of underage Juul users.

Juul is seeking to remove the case to San Francisco, home of its corporate headquarters. Neither the company nor its legal counsel responded to requests for comment by deadline.

The motion was filed the same day Juul officials, including company co-founder James Monsees and chief administrative officer Ashley Gould, testified for the first time before Congress on the growing problem of nicotine addiction among minors. Monsees and Gould were questioned by lawmakers on JUUL’s widespread popularity among high school students. Both officials testified the company never actively sought to court minors as customers and rejected comparisons between Juul and Big Tobacco.

“The last thing we wanted was to be confused with any major tobacco company,” Monsees said of charges Juul intentionally mimicked Big Tobacco’s overtures to younger audiences.

The motion for a preliminary injunction notes cigarette manufacturer, Altria, which owns Philip Morris, also has a 35% stake in JUUL.