

## **'We Are Outraged': This South Florida Firm is Winning Millions of Dollars Against Big Tobacco**

Attorneys at the Schlesinger Law Offices in Fort Lauderdale won three verdicts over two months, requiring tobacco giants to shell out millions of dollars to smokers' families.

By **Raychel Lean** | July 20, 2018 at 01:57 PM



Scott P. Schlesinger of Schlesinger Law Offices, Fort Lauderdale. Photo: Melanie Bell/ALM

Where there's smoke, there's probably an Engle progeny lawsuit. And for Schlesinger Law Offices in Fort Lauderdale, there might be three at once.

This week, the firm wrapped up a two-month stint in the courtroom, which resulted in three multimillion-dollar jury verdicts for families of former cigarette smokers who died from illnesses linked to smoking.

**Scott Schlesinger** of Schlesinger Law Offices has been in trial since May 14, working on all three back-to-back cases. The cases are among thousands of similar suits emanating from a 2016 Florida Supreme Court ruling that overturned a \$145 billion verdict against Big Tobacco and gave the go ahead for 700,000 other individuals to file similar lawsuits in future.

But the Fort Lauderdale firm is distinguishing itself, earning a reputation as formidable plaintiff counsel on Engle progeny litigation.

“In my life and in my profession, I always wanted to do something unequivocal,” Schlesinger said. “And fighting Big Tobacco is that something.”

On June 2, a Broward jury **awarded** \$20 million in pain and suffering damages to the husband of deceased smoker Marion “Betty” Landi, against R. J. Reynolds Tobacco Co. and Philip Morris USA Inc.

Then less than two weeks later, on June 15, a Palm Beach County jury awarded \$500,000 in **punitive damages** against R.J. Reynolds — this time Nick Perotto’s widow, who died of lung cancer in 1992.

And then a third victory: On July 16, a Broward jury **awarded** \$2.3 million in punitive damages against Philip Morris, the manufacturers of Parliament cigarettes and \$671,000 against R. J. Reynolds. That jury had previously awarded Sheila Kaplan’s widower, Myron Kaplan, \$7.2 million in damages as a result of her death.



Sheila Kaplan smoking a cigarette in 1959. Her survivors hired Schlesinger Law to bring suit. Courtesy photo.

Near lifelong smoker Sheila Kaplan was diagnosed with lung cancer in 1994 and died in 2001 at the age of 61. Schlesinger argued that Philip Morris was to blame for Kaplan’s death, asserting that the company manufactured an addictive product promoted through a misleading advertising campaign. He said Sheila had begun smoking as a teenager in the 1950s, when “it was weird not to smoke.”

“In late ’53, it started to come out that mice painted with tobacco tar on their shaved backs were getting cancer,” Schlesinger said. “That got a lot of news and created a cancer scare.”

On the back of this scare, Kaplan switched to what she thought was a safer product. She began smoking Parliament cigarettes, which at the time were advertising as having a new “recessed paper filter” that was supposed to restrict tar intake.

Schlesinger argued that these recessed filters were a “gimmick,” implemented purely for the purpose of falsely reassuring smokers that the majority of tar didn’t reach their mouths.

“It was a way of giving folks that were addicted to nicotine a way in which to keep smoking, while feeling that there was something giving them a measure of protection,” he said.

Kaplan, under the impression she was somewhat shielded from the most harmful effects of the product, continued smoking for decades.

Schlesinger’s team also attacked the business models of the tobacco companies, which have commonly targeted children. They argued child smokers can’t fully conceptualize the idea of getting lung cancer decades later.

“Twelve-year-olds don’t know what they’re getting themselves into,” Schlesinger said. “They’re not aware of their own mortality. They have no idea.”

Phillip Morris fought back, asserting it bore no responsibility for what it saw as Kaplan’s choice to smoke.

But the jury wasn’t convinced and returned the seven-figure verdict in Kaplan’s widow’s favor.

Schlesinger says his firm is on a mission and has no intention of slowing down any time soon.

“It’s the only product that, when taken as directed, more than likely will kill you. But tobacco has done everything in their power to stay in business, killing over half a million Americans a year,” Schlesinger

said. “The only thing that really makes the rubber meet the road is getting the defendant, tobacco, into a room where six jurors reject them and say, ‘We are outraged.’”

Counsel to Philip Morris in the Kaplan case, **Geri E. Howell** of Shook Hardy & Bacon in Miami, did not respond to request for comment before press time. Counsel to R. J. Reynolds, **Geoffrey K. Beach** of Womble, Carlyle, Sandridge & Rice’s Winston-Salem office, was also unavailable.

Link: <https://www.law.com/dailybusinessreview/2018/07/20/we-are-outraged-this-south-florida-firm-is-winning-millions-of-dollars-against-big-tobacco/>