

**IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA
CIVIL DIVISION**

**IN RE: ENGLE PROGENY CASES
TOBACCO LITIGATION**

**CASE NO.: 08-CA-80000
DIVISION: Y**

**Pertains to: All Pending Cases on
Attached Pages**

All counsel, through the liaison counsel for plaintiffs and defendants, are hereby notified that the attached orders in limine are adopted in all pending *Engle* progeny cases in the circuit, which case numbers and names are attached hereto and made a part hereof. These orders will be posted on the Thirteenth Judicial Circuit Court website.

Plaintiffs' and Defendants' Liaison counsel are directed to distribute this order to all attorneys of record in pending tobacco litigation cases.

DONE AND ORDERED: At Tampa, Hillsborough County, Florida this 13 day of February, 2019



**RONALD FICARROTTA,
Chief Judge**



**REX M. BARBAS,
Administrative Judge, Division J**



**E. LAMAR BATTLES,
Circuit Court Judge, Division H**




**RALPH C. STODDARD,
Circuit Court Judge, Division B**





**MARTHA J. COOK,
Circuit Court Judge, Division G**




**EMILY PEACOCK,
Circuit Court Judge, Division D**



GREGORY P. HOLDER,
Circuit Court Judge, Division E


PAUL L. HUEY,
Circuit Court Judge, Division I


RICHARD A. NIELSEN,
Circuit Court Judge, Division F


ELIZABETH G. RICE,
Circuit Court Judge, Division C


SCOTT STEPHENS,
Circuit Court Judge, Division Y


CHERYL K. THOMAS,
Circuit Court Judge, Division A

Conformed copies to:

Anna Frederiksen-Cherry, Plaintiffs' Liaison Counsel
Troy A. Furman, Defendants' Liaison Counsel

CaseNumber	Style
02-CA-001836	BECKUM;GLENN VS PHILIP MORRIS INCOPRORA
02-CA-005085	MCBRIDE;GERALDT PERS VS BROWN & WILLIAMSON CORP
03-CA-001589	SHIRAH;DORIS VS BROWN & WILLIAMSON CORP
03-CA-004767	MCDONALD;WILLIAM VS BROWN & WILLIAMSON CORP
04-CA-000426	BUTLER VS BROWN & WILLIAMSON TOBACCO CORP
04-CA-000472	ARNOLD VS BROWN & WILLIAMS CORP
04-CA-002530	WELDON VS BROWN WILLIAMSON
04-CA-005681	TAYLOR VS R J REYNOLDS TOBACCO CO
04-CA-005683	POLCHOWSKI VS R J REYNOLDS TOBACCO CO
05-CA-000790	BROWN VS RJ REYNOLDS TOBACCO COMPANY
06-CA-007837	SWFNDELLS;J VS RJ REYNOLDS TOBACCO CO
07-CA-014417	RILEY;K VS PHILIP MORRIS USA INC
07-CA-014459	MARTIN;J VS PHILIP MORRIS USA
07-CA-014461	ANDERSON;FVS PHILIP MORRIS - USA INC
07-CA-014466	BRECHKA;P VS RJ REYNOLDS TOBACCO CO
07-CA-014468	SHAW;C VS R J REYNOLDS TOBACCO CO
07-CA-014471	BOSS;J VS R J REYNOLDS TOBACCO CO
07-CA-014497	WALDRON;L VS R J REYNOLDS TOBACCO CO
07-CA-014530	ADAIR;M VS PHILIP MORRIS - USA INC
07-CA-014531	DIETZEL;R VS RJ REYNOLDS TOBACCO CO
07-CA-014536	STEVENS;G VS RJ REYNOLDS TOBACCO CO
07-CA-014595	THAU;S VS R J REYNOLDS TOBACCO
07-CA-014605	WHEELER;M VS RJ REYNOLDS TOBACCO CO
07-CA-014609	HARRIS;M VS RJ REYNOLDS TOBACCO CO
07-CA-014611	VS RJ REYNOLDS TOBACCO CO
07-CA-014620	FREEMAN;H VS RJ REYNOLDS TOBACCO CO
07-CA-014643	TROTTER;D VS RJ REYNOLDS TOBACCO CO
07-CA-014644	LEDUC;R VS RJ REYNOLDS TOBACCO CO
07-CA-014648	AUSTIN;G VS RJ REYNOLDS TOBACCO CO
07-CA-014649	VS RJ REYNOLDS TOBACCO CO
07-CA-014655	IMBIMBO;G VSPHILLIP MORRIS USA, INC.
07-CA-014658	BAIRD;W VS R.J. REYNOLDS TOBACCO CO.
07-CA-014660	CHANCEY;J VS R J REYNOLDS TOBACCO
07-CA-014662	BOUDINOT;J VS PHILLIP MORRIS USA, INC.
07-CA-014663	BALL; R VS RJ REYNOLDS TOBOCCAO CO
07-CA-014664	RUSSELL;J VS PHILIP MORRIS USA INC

07-CA-014665	GAUGHAN;A VS RJ REYNOLDS TOBACCO CO
07-CA-014666	STRIEM;H VS R.J. REYNOLDS TOBACCO CO.
07-CA-014667	RUTKOWSKI;J VS RJ REYNOLDS TOBACCO CO
07-CA-014671	CRUMP; I VS RJ REYNOLDS TOBACCO CO
07-CA-014672	ELLIOT;G VS R.J. REYNOLDS TOBACCO CO.
07-CA-014681	CIVELLO;A VS R J REYNOLDS TOBACCO
07-CA-014684	BAITING;R VS R J REYNOLDS TOBACCO
07-CA-014686	HUNTER;C VS R J REYNOLDS TOBACCO
07-CA-014687	KELLEY;E VS R.J. REYNOLDS TOBACCO CO
07-CA-014691	FRANCOISE-GOODFREY;M VS RJ REYNOLDS TOBACCO CO

07-CA-014693	HAMMELL;D VS R J REYNOLDS TOBACCO CO
07-CA-014696	GARRETT;H VS RJ REYNOLDS TOBACCO CO
07-CA-014697	MAYBUSH;F VS R J REYNOLDS TOBACCO
07-CA-014702	VALLEE; M VS RJ REYNOLDS TOBACCO CO
07-CA-014848	SERIO;D VS R J REYNOLDS TOBACCO CO
07-CA-015069	JENKINS;G VS PHILIP MORRIS USA
07-CA-015071	KALWAS;C VS PHILIP MORRIS USA
07-CA-015075	LICKSTEIN;F VS PHILIP MORRIS USA
07-CA-015078	FOGLEMAN;R VS PHILIP MORRIS USA
07-CA-015084	FOSHAY;G VS PHILIP MORRIS USA
07-CA-016520	CACIAPPO;J VS PHILIP MORRIS USA INC
07-CA-016523	PHILLIPS;P VS R J REYNOLDS TOBACCO CO
07-CA-016527	PHILYAW;G VS PHILIP MORRIS USA INC
07-CA-016533	COLLAZO;M VS PHILIP MORRIS USA INC
07-CA-016889	CARTER;W VS RJ REYNOLDS TOBACCO CO
07-CA-016892	BARBARA C SNELGROVE VS RJ REYNOLDS TOBACCO CO
07-CA-016897	LARA;M VS PHILLIP MORRIS USA INC
07-CA-016899	LOFLEY;L VS PHILIP MORRIS USA INC
07-CA-016908	JOHNS;D VS RJ REYNOLDS TOBACCO CO
07-CA-016942	SCHAEFER;C VS RJ REYNOLDS TOBACCO CO
07-CA-016943	SAMBERG;J VS RJREYNOLDS TOBACCO CO
07-CA-016948	RICHEY;M VS RJ REYNOLDS
07-CA-017099	MCELLIGOTT;D VS RJ REYNOLDS TOBACCO CO
07-CA-017172	WAGER;S VS RJ REYNOLDS TOBACCO CO
07-CA-017204	ISAACS;C VS RJ REYNOLDS TOBACCO CO
07-CA-017205	CUTERI;M VS RJ REYNOLDS TOBACCO CO
07-CA-017206	CEASARE;J VS RJREYNOLDS TOBACCO CO
07-CA-017238	SCHEBEL;R VS RJREYNOLDS

07-CA-017245	FENNELL;W VS RJ REYNOLDS TOBACCO CO
07-CA-017247	VS RJ REYNOLDS TOBACCO CO
07-CA-017401	GETTLE;TVS PHILIP MORRIS-USA INC
07-CA-017402	BELL;R VS R J REYNOLDS TOBACCO CO
07-CA-017403	MOORE;R VS R J REYNOLDS TOBACCO
07-CA-017409	TAYLOR;A VS R.J. REYNOLDS
07-CA-017413	PICARD;B VS R J REYNOLDS TOBACCO CO
07-CA-017420	JONES BARTLETT;C VS PHILIP MORRIS USA INC
07-CA-017424	WOOD;B VS RJ REYNOLDS TOBACCO CO
07-CA-017425	COLE;A VS RJ REYNOLDS TOBACCO CO
07-CA-017433	LEDFORD;C VS R J REYNOLDS TOBACCO CO
07-CA-017437	AIKEN;C VS R J REYNOLDS TOBACCO CO
07-CA-017441	FREEZE;R VS R J REYNOLDS TOBACCO CO
07-CA-017455	METTETAL;H VS R J REYNOLDS TOBACCO CO
07-CA-017461	VS R J REYNOLDS TOBACCO CO
07-CA-017463	REDDEN;M VS R J REYNOLDS TOBACCO CO
07-CA-017515	LEZENBY;R VS R J REYNOLDS TOBACCO CO
07-CA-017521	PICKETT;B VS R J REYNOLDS TOBACCO CO
07-CA-017523	SMITH;S VS R J REYNOLDS TOBACCO CO

07-CA-017526	VS PHILIP MORRIS USA INC
07-CA-017543	ZIMMERMAN;R VS R J REYNOLDS TOBACCO CO
07-CA-017559	BERGERON;L VS RJ REYNOLDS TOBACCE CO
07-CA-017603	HUELSTER;W VS R J REYNOLDS TOBACCO CO
07-CA-017605	BERGAMINI;H VS R J REYNOLDS TOBACCO CO
07-CA-017615	STAPLETON;J VS FJ REYNOLDS TOBACCO CO
07-CA-017619	BUSSY;M VS R J REYNOLDS TOBACCO CO
07-CA-017624	CAINES;B VS R J REYNOLDS TOBACCO CO
07-CA-017632	MCCABE;J VS R J REYNOLDS TOBACCO CO
07-CA-017731	PALMER;J VS PHILIP MORRIS USA INC
07-CA-017738	JACKSON;T VS R J REYNOLDS TOBACCO CO
07-CA-017741	BATES;K VS R J REYNOLDS TOBACCO CO
07-CA-017816	VS PHILIP MORRIS USA INC
07-CA-017819	STRONG;G VS PHILIP MORRIS USA INC
07-CA-017823	Estate of Donald Pearson vs RJ REYNOLDS TOBACCO CO
07-CA-017824	GRAY;R VS PHILIP MORRIS USA INC
07-CA-017924	VS PHILIP MORRIS USA INC
07-CA-017927	DAVIS;E VS PHILIP MORRIS USA INC

07-CA-017931	LYONS;M VS PHILIP MORRIS USA INC
07-CA-017934	SAMMARCO;Z VS PHILIP MORRIS USA INC
07-CA-017937	JONES;J VS PHILIP MORRIS USA INC
07-CA-017938	WOOTEN;S VS PHILIP MORRIS USA INC
07-CA-017939	COLLINS;A VS PHILIP MORRIS USA INC
07-CA-017944	SCOIT;A VS PHILIP MORRIS USA INC
07-CA-017947	RICHARDSON;M VS PHILIP MORRIS USA INC
07-CA-017949	SMITH;R VS PHILIP MORRIS USA INC
07-CA-017968	LECOURT;D VS RJ REYNOLDS TOBACCO CO
07-CA-017972	CUNNINGHAM;D VS R J REYNOLDS TOBACCO CO
07-CA-018023	VUOTTO;G VS R J REYNOLDS TOBACCO CO
07-CA-018026	HOOVER;M VS RJ REYNOLDS TOBACCO CO
07-CA-018027	VAZQUEZ;R VS RJ REYNOLDS TOBACCO CO
07-CA-018029	CLOSE;J VS RJ REYNOLDS TOBACCO CO
07-CA-018030	JOHNSTON;WVS RJ REYNOLDS TOBACCO CO
07-CA-018033	BARNES;R VS RJ REYNOLDS TOBACCO CO
07-CA-018034	BROTZGE;G VS R J REYNOLDS TOBACCO CO
07-CA-018059	MEYERS;E VS R J REYNOLDS TOBACCO CO
07-CA-018068	ANDERSON;J VS RJ REYNOLDS TOBACCO CO
07-CA-018112	THOMPSON;C VS R J REYNOLDS TOBACCO CO
07-CA-018113	LYNCH;M VS R J REYNOLDS TOBACCO CO
07-CA-018114	PIACENZA;E VS RJ REYNOLDS TOBACCO CO
07-CA-018116	WETZEL;F VS R J REYNOLDS TOBACCO CO
07-CA-018117	HUNTER;S VS R J REYNOLDS TOBACCO CO
07-CA-018137	LOURIE, JAMES HARRIS vs RJ REYNOLDS TOBACCO CO
07-CA-018140	GAINES;G VS R J REYNOLDS TOBACCO CO
07-CA-018149	PHILLIPS;J VS PHILIP MORRIS USA INC
07-CA-018154	BALL;R R J REYNOLDS TOBACCO CO
07-CA-018390	HURLESS;O VS R J REYNOLDS TOBACCO CO

07-CA-018392	JROLF;B VS R J REYNOLDS TOBACCO CO
07-CA-018475	WOLFE;W VS R J REYNOLDS TOBACCO CO
07-CA-018478	RICHARD A. HILL;CVS RJ REYNOLDS TOBACCO CO
07-CA-018480	DAVIS;R VS R J REYNOLDS TOBACCO CO
07-CA-018490	PAOLELLA;C VS R J REYNOLDS TOBACCO CO
07-CA-018498	DEVERA;A VS R J REYNOLDS TOBACCO CO

07-CA-018567	FRIEND;J VS PHILIP MORRIS USA
07-CA-018569	SKEENS;M VS R.J. REYNOLDS TOBACCO CO.
07-CA-018571	MICAL;W VS PHILIP MORRIS USA INC
07-CA-018598	ANDERSON;V VS PHILIP MORRIS USA
07-CA-018602	MORGAN;E VS PHILIP MORRIS USA INC
07-CA-018609	TILL'S;C VS PHILIP MORRIS-USA INC.
08-CA-000107	SKEENS;M VS R J REYNOLDS TOBACCO CO
08-CA-000207	JOHNSON;L VS R J REYNOLDS TOBACCO CO
08-CA-000208	MOUNTAIN;P VS R J REYNOLDS TOBACCO CO
08-CA-000209	HAWKINS;J VS R J REYNOLDS TOBACCO CO
08-CA-000213	KAMPFF;G VS R J REYNOLDS TOBACCO CO
08-CA-000214	SMITH;R VS R J REYNOLDS TOBACCO CO
08-CA-000222	ALLISON;S VS RJ REYNOLDS TOBACCO CO
08-CA-000231	VS RJ REYNOLDS TOBACCO CO
08-CA-000234	NICHOLS;S VS R J REYNOLDS TOBACCO CO
08-CA-000472	MAYES;C VS R J REYNOLDS TOBACCO CO
08-CA-000473	STRIPLING;S VS R J REYNOLDS TOBACCO CO
08-CA-000477	BOUTCHER;J VS R J REYNOLDS TOBACCO CO
08-CA-000480	SHORT;P VS RJ REYNOLDS TOBACCO CO
08-CA-000481	KENNEDY;P VS PHILIP MORRIS USA INC
08-CA-000483	RIZZO;L VS PHILIP MORRIS USA INC
08-CA-000490	COURSON;W VS PHILIP MORRIS USA INC
08-CA-000501	TOUNDAS;J VS R J REYNOLDS TOBACCO
08-CA-000534	BRADFORD;R VS RJ REYNOLDS TOBACCO CO
08-CA-000586	NASSO;R VS PHILIP MORRIS USA INC
08-CA-000594	VS R.J. REYNOLDS TOBACCO CO.
08-CA-000686	IRWIN;C VS RJ REYNOLDS TOBACCO CO
08-CA-000687	MOBLEY;N VS RJ REYNOLDS TOBACCO CO
08-CA-000688	ORTIZ;M VS R J REYNOLDS TOBACCO CO
08-CA-000690	COOPER;F VS R J REYNOLDS TOBACCO CO
08-CA-000695	DUFFEY;R VS R J REYNOLDS TOBACCO CO
08-CA-000704	SPAR;C VS R J REYNOLDS TOBACCO CO
08-CA-000706	ROOT;J VS RJ REYNOLDS TOBACCO CO
08-CA-000708	VS R J REYNOLDS TOBACCO CO
08-CA-000710	NEWMAN;M VS R J REYNOLDS TOBACCO CO
08-CA-000712	BISHOP;M VS R J REYNOLDS TOBACCO CO
08-CA-000715	ROWE;C VS R J REYNOLDS TOBACCO CO

08-CA-000717	RAINEY;J VS RJ REYNOLDS TOBACCO CO
08-CA-000721	CASCOE;C VS RJ REYNOLDS TOBACCO CO
08-CA-000722	CLARK;J VS RJ REYNOLDS TOBACCO CO
08-CA-000732	DEMPS;A VS R J REYNOLDS TOBACCO CO

08-CA-000734	LUKER;R VS R J REYNOLDS TOBACCO CO
08-CA-000821	HOLLEY;J VS R J REYNOLDS TOBACCO CO
08-CA-000825	DUNN;J VS PHILIP MORRIS USA INC
08-CA-000852	FOSTER;S VS R J REYNOLDS TOBACCO C
08-CA-000860	WELLS;M VS R J REYNOLDS TOBACCO CO
08-CA-000880	JENKINS;L VS AMERICAN TOBACCO CO.
08-CA-000886	RICARDO;A VS PHILIP MORRIS USA INC
08-CA-000893	CATANESE;R VS PHILIP MORRIS USA INC
08-CA-006836	CHANCY;J VS R J REYNOLDS TOBACCO CO
08-CA-006842	SIMPSON;C VS R J REYNOLDS TOBACCO CO
08-CA-006847	LOFLEY;K VS R J REYNOLDS TOBACCO CO
08-CA-006848	ALLEN;B VS R J REYNOLDS TOBACCO CO
08-CA-006850	WYERICK;M VS RJ REYNOLDS TOBACCO CO
08-CA-006853	PATTERSON;F VS RJ REYNOLEDs TOBACCO CO
08-CA-006861	COMBAST;S VS R J REYNOLDS TOBACCO CO
08-CA-006878	BROWN;WVS RJ REYNOLDS TOBOCCO CO
08-CA-006883	DOMIKIS;A VS R J REYNOLDS TOBACCO CO
08-CA-006956	MCIVOR;T VS PHILIP MORRIS USA INC
08-CA-007098	GRANT;H VS R J REYNOLDS TOBACCO
08-CA-007441	HIGGINS;G VS R J REYNOLDS TOBACCO CO
08-CA-007442	PENNINGTON;A VS R J REYNOLDS;A
08-CA-007474	SNOW;D VS PHILIP MORRIS USA
08-CA-007981	CRAFT: L VS PHILIP MORRIS USA INC
08-CA-008046	BOLES;' VS PHILIP MORRIS USA INC
08-CA-008200	DEAN;A VS PHILLIP MORRIS USA INC
08-CA-008302	KNIGHT;G VS PHILIP MORRIS USA INC
08-CA-008512	STARLING;B VS PHILIP MORRIS USA
08-CA-008526	HILL;N VS PHILIP MORRIS USA INC
08-CA-008529	BEGGS;R VS PHILIP MORRIS USA INC
08-CA-008631	LEWIS;J VS PHILIP MORRIS USA INC
08-CA-008635	TUOMEY;J VS PHILIP MORRIS USA INC

08-CA-008820	ROGERS;R VS R.J. REYNOLDS TOBACCO CO
08-CA-008821	WILSON;A VS R.J. REYNOLDS TOBACCO CO
08-CA-009036	JONES;J VS R J REYNOLDS TOBACCO CO
08-CA-009043	CRAWFORD;B VS R J REYNOLDS TOBACCO
08-CA-009045	HANCOCK;W VS R J REYNOLDS TOBACCO
08-CA-009048	BROWN;P VS R J REYNOLDS TOBACCO
08-CA-009153	RODRIGUEZ;WVS RJ REYNOLDS TOBACCO CO
08-CA-009154	EVERS, CINDY vs RJ REYNOLDS TOBACCO CO
08-CA-009214	MULLAY;J VS R J REYNOLDS TOBACCO CO
08-CA-009215	JOHNSON;D VS R J REYNOLDS TOBACCO CO
08-CA-009262	SPANDAU;M VS R J REYNOLDS TOBACCO CO
08-CA-009885	RAMIREZ;A S VS RJ REYNOLDS TOBACCO CO
08-CA-010056	SMITH;P VS R] REYNOLDS TOBACCO CO
08-CA-010155	VS R J REYNOLDS TOBACCO CO
08-CA-010156	PHILLIPS;H VS R J REYNOLDS TOBACCO CO
08-CA-010159	MASCHERIN;R VS R J REYNOLDS TOBACCO CO

08-CA-010161	PATTERSON;K VS R J REYNOLDS TOBACCO CO
08-CA-010164	POORMAN;D VS R J REYNOLDS TOBACCO CO
08-CA-011215	COLLINGS;W VS R J REYNOLDS TOBACCO CO
08-CA-011216	GREENBACKER;B VS R J REYNOLDS TOBACCO CO
08-CA-011634	PARRISH;S VS R J REYNOLDS TOBACDO CO
08-CA-011636	SAIA;M VS R J REYNOLDS TOBACCO CO
08-CA-011637	LONDBERG;L VS R J REYNOLDS TOBACCO CO
08-CA-011640	RODRIGUEZ;A VS R J REYNOLDS TOBACCO CO
08-CA-011642	BOLDS;J VS R J REYNOLDS TOBACCO CO
08-CA-011644	PARKES;J VS R J REYNOLD TOBACCO CO
08-CA-011647	MCDOWELL;A V RJ REYNOLDS TOBACCO CO
08-CA-011657	RALEY;C VS R J REYNOLDS TOBACCO CO
08-CA-011661	SIMPKINS;B VS R J REYNOLDS TOBACCO CO
08-CA-011884	STAGGS;J VS R J REYNOLDS TOBACCO CO
08-CA-011887	JORDAN;F VS R J REYNOLDS TOBACCO CO
08-CA-011889	WALES;M VS R J REYNOLDS TOBACCO CO
08-CA-011893	MCGOWAN;B VS R J REYNOLDS TOBACCO CO
08-CA-013445	VALENTI;M VS RJ REYNOLDS TOBACCO CO
08-CA-014332	GONZALEZ;J VS R J REYNOLD

08-CA-016789	ROMAN;M VS R J REYNOLDS TOBACCO CO
08-CA-016791	MAYER;C VS R J REYNOLDS TOBACCO CO
08-CA-016800	DIAMOND;M VS R J REYNOLDS TOBACCO CO
08-CA-017041	FORSTENZER;A VS R J REYNOLDS TOBACCO CO
08-CA-017046	LANIER;B VS R J REYNOLDS TOBACCO CO
08-CA-017048	WI-ASIUK;D VS R J REYNOLDS TOBACCO CO
08-CA-018094	NELSON;W VS R J REYNOLDS TOBACCO CO
08-CA-018303	BRIGGS;R VS R J REYNOLDS TOBACCO CO
08-CA-018307	KALINA;M VS R J REYNOLDS TOBACCO CO
08-CA-018797	ALINDA L. GOODWIN, ESTATE OF W. NEIL GOODWIN vs RJ REYNOLDS TOBACCO
08-CA-019711	PEREZ;M VS R J REYNOLDS TOBACCO CO
08-CA-020947	SCHAEFFER;L VS R J REYNOLDS TOBACCO CO
08-CA-021741	SILVER;M VS R J REYNOLDS TOBACCO CO
08-CA-022107	CATANZARO;D VS RJ REYNOLDS TOBACCO CO
08-CA-022110	REYNOLDS;B VS R J REYNOLDS TOBACCO CO
08-CA-025492	HAMIDI;A VS R J REYNOLDS TOBACCO CO
08-CA-025499	BROOKINS;S VS R J REYNOLDS TOBACCO CO
08-CA-025501	O'GRADY;P VS RJ REYNOLDS TOBACCO CO
08-CA-080000	IN RE TOBACCO LITIGATION
09-CA-000628	LAFLANNE;F VS R J REYNOLDS TOBACCO CO
09-CA-000631	ARNOLD;H VS R J REYNOLDS TOBACCO CO
09-CA-000637	CHERNE;P VS R J REYNOLDS TOBACCO CO
09-CA-000885	HENSON;E VS R J REYNOLDS TOBACCO CO
09-CA-001196	OLDS;D VS PHILIP MORRIS USA INC
09-CA-001539	BUNCH;A VS PHILIP MORRIS-USA INC
09-CA-001544	RICHARDSON;S VS PHILIP MORRIS- USA INC
09-CA-002195	MORDUE-GROFF;T VS PHILLIP MORRIS USA INC
09-CA-002209	MORDUE-GROFF;TVS PHILIP MORRIS USA INC

09-CA-006685	SMITH;M VS R J REYNOLDS
09-CA-007698	SAYLOR; C VS PHILIP MORRIS USA INC
09-CA-008080	ADRIAN J. CRUM, vs RJ REYNOLDS TOBACCO CO
09-CA-008220	ROWE;C VS R J REYNOLDS
09-CA-008223	GAUGHAN;T VS RJ REYNOLDS TOBACCO
09-CA-008226	MALLOY;FVS RJ REYNOLDS TOBACCO CO
09-CA-008782	RODRIGUEZ;E VS RJ REYNOLDS TOBACCO CO

09-CA-008788	MELANCON;K VS RJ REYNOLDS TOBACCO CO
09-CA-009725	MARY JOANNE HAUKAAS, VS PHILIP MORRIS USA
09-CA-009727	PITTMAN;A VS PHILIP MORRIS USA
09-CA-016238	ROBLES;E VS RJ REYNOLDS
09-CA-016528	VARNADO;J VS R J REYNOLDS TOBACCO
09-CA-016534	SCHUMACHER;P VS R J REYNOLDS
09-CA-017818	GUILFORD; S VS PHILIP MORRIS USA INC
09-CA-018366	KING;E VS RJ REYNOLDS TOBACCO
09-CA-018387	BARNICKLE;R VS R J REYNOLDS TOBACCO
09-CA-018565	SEMERARO; I VS PHILIP MORRIS USA INC
09-CA-018570	CAMINITE; R VS PHILIP MORRIS USA INC
09-CA-018693	AVERY;R vs R J REYNOLDS TOBACCO
09-CA-018752	HARRIS;E VS RJ REYNOLDS TOBACCO CO
09-CA-018784	SOWELL;G VS R J REYNOLDS TOBACCO
09-CA-018834	IRVINE;W VS PHILLIP MORRIS USA INC
09-CA-018837	TINDALL;D VS PHILLIP MORRIS
09-CA-018854	TOTTON;B VS R J REYNOLDS
09-CA-018856	WHITE;B VS R J REYNOLDS
09-CA-018858	ESTATE OF KNOX;C VS RJ REYNOLDS
09-CA-018859	HANCOCK;J VS R J REYNOLDS TOBACCO
09-CA-018863	RAINEY;K VS RJ REYNOLDS
09-CA-018865	MANN;E VS RJ REYNOLDS
09-CA-018866	KRAMER;L VS R J REYNOLDS TOBACCO
09-CA-018868	MORTENSEN;S VS RJ REYNOLDS
09-CA-023540	COSTELLO;M VS PHILIP MORRIS USA INC
09-CA-025199	CORAZZO;C VS PHILIP MORRIS USA 'NC
09-CA-025369	PACINO;M VS PHILIP MORRIS-USA
10-CA-006526	TOMER;T VS RJ REYNOLDS TOBACCO CO
10-CA-009410	TWYFORD;E VS R J REYNOLDS TOBACCO CO
10-CA-011572	RODGERS, ELI vs LORILLARD TOBACCO CO
10-CA-015051	SIATKOWSKI;M VS R J REYNOLDS TOBACCO CO
10-CA-016308	George Ellis, vs RJ REYNOLDS TOBACCO CO
10-CA-021875	MICHAEL;L VS PHILLIP MORRIS USA
10-CA-023077	DUNCAN;R VS R J REYNOLDS TOBACCO CO
10-CA-023804	HUTCHISON;W VS RJ REYNOLDS TOBACCO
11-CA-000983	UNDERWOOD;B VS R J REYNOLDS TOBACCO CO

II-CA-001176	HANCOCK;J VS R J REYNOLDS
II-CA-001179	RENTZ;W VS R J REYNOLDS
II-CA-001181	HEATH;D VS R J REYNOLDS
II-CA-001182	VS R J REYNOLDS

II-CA-001185	WOOD;B VS R J REYNOLDS TOBACCO
II-CA-001188	REDEEN;M VS R J REYNOLDS TOBACCO
II-CA-001189	RAU;R VS RJ REYNOLDS
II-CA-001190	MURPHY;E VS R J REYNOLDS
II-CA-001191	ISAACS;C VS R J REYNOLDS TOBACCO
II-CA-001192	HARTY;N VS RJ REYNOLDS
II-CA-009783	GRAHAM;D VS R J REYNOLDS TOBACCO
II-CA-012370	MAYBUSH, MARLENE vs R J REYNOLDS TOBACCO CO
II-CA-016670	VANDERWERKEN, MELISSA B vs RJ REYNOLDS TOBACCO COMPANY
12-CA-009027	ESTATE OF MARY E CROOM vs RJ REYNOLDS TOBACCO COMPANY
12-CA-013183	ESTATE OF DANNIE D ANDREWS vs RJ REYNOLDS TOBACCO CO
13-CA-006347	Stalley, Doug vs R.J. Reynolds Tobacco Company
13-CA-006348	ESTATE OF MARTHA L WALES vs R.J. Reynolds Tobacco Company
13-CA-014796	ESTATE OF JACKY B SHAFFER vs RJ REYNOLDS TOBACCO CO
13-CA-014828	ESTATE OF BRENDA G TAYLOR vs RJ REYNOLDS TOBACCO CO
14-CA-000019	JOHNSON, MILDRED J vs RJ REYNOLDS TOBACCO CO
14-CA-002122	Estate of Willie D Coleman vs R.J. Reynolds Tobacco Company
14-CA-002125	Estate of Syble L Murray vs R.J. Reynolds Tobacco Company
14-CA-002134	ESTATE OF JOHN W HARRELL vs R.J. Reynolds Tobacco Company
14-CA-006049	ESTATE OF HENRY A BERGAMINI vs RJ Reynolds Tobacco Company
14-CA-006061	ESTATE OF JANE FIELD vs RJ Reynolds Tobacco Company
15-CA-005845	ESTATE OF WANDA GRAVELINE vs RJ Reynolds Tobacco Company
15-CA-005985	Estate of Robert L Haskins vs RJ Reynolds Tobacco Company
15-CA-006251	Macon, Judy vs RJ Reynolds Tobacco Company
15-CA-008657	STALLEY, DOUGLAS vs LIGGETT GROUP LIS
15-CA-008814	ESTATE OF MARY P. HAUCK vs LORILLARD TOBACCO CO
15-CA-008815	ESTATE OF CYNTHIA E. MOSLEY vs LORILLARD TOBACCO CO
15-CA-008816	ESTATE OF ROBERT L SMITH vs LORILLARD TOBACCO CO
15-CA-009085	ABBEY, LINDA D vs LORILLARD TOBACCO CO
15-CA-010254	KETTNER, DELORES vs PHILIP MORRIS - USA INC
15-CA-011420	Graveline, Murray vs R J Reynolds Tobacco Company
16-CA-000840	VILLANYI, PETER vs PHILIP MORRIS USA INC

16-CA-003944	ROBERTS, ALICE F vs R.J. REYNOLDS TOBACCO COMPANY
16-CA-007249	MCDONALD, BETTY SUE vs R J REYNOLDS TOBACCO COMPANY
16-CA-008728	Sanchez, Virginia vs R. J. Reynolds Tobacco Company
16-CA-009338	ESTATE OF NAOMI I CRUMP vs R J REYNOLDS
16-CA-009485	Volkman, Lisa vs RJ Reynolds Tobacco Company
17-CA-000242	ESTATE OF BARBARA C SNELGROVE vs R.J. Reynolds Tobacco Company
17-CA-000592	DOW, RICHARD vs R.J. REYNOLDS TOBACCO COMPANY
17-CA-000593	ROBINSON, ELAINE vs R.J. REYNOLDS TOBACCO COMPANY
17-CA-000594	ENGLE, THOMAS vs R.J. REYNOLDS TOBACCO COMPANY
17-CA-000595	COMER, MARJORIE vs R.J. REYNOLDS TOBACCO COMPANY
17-CA-000661	TIDWELL, MARY vs R.J. REYNOLDS TOBACCO COMPANY
17-CA-002593	VARNEY, CYNTHIA vs LIGGETT GROUP LLC
17-CA-002848	Schwab, Bruce vs RJ Reynolds Tobacco Company
17-CA-002905	MICHAEL ANTHONY ZAROOUR vs PHILIP MORRIS USA INC., a foreign corporation
17-CA-003403	Soles, William J. vs R. J. Reynolds Tobacco Company

17-CA-003405	DIMuro, Sandra vs R. J. Reynolds Tobacco Company
17-CA-006500	KATIE KNIGHT, vs R.J. REYNOLDS TOBACCO COMPANY
17-CA-006668	Rose Marie Billings, et.al. vs R.J. Reynolds Tobacco Company, et.al.
17-CA-007972	Stevens-Davis, Heather Leigh vs R. J. Reynolds Tobacco Company
17-CA-008678	Louallen, Linda vs Philip Morris USA, Inc.
17-CA-008827	WILLIAMS, WYNDELL vs R.J. REYNOLDS TOBACCO CO

**IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA
CIRCUIT CIVIL DIVISION**

**IN RE: ENGLE PROGENY CASES
TOBACCO LITIGATION,**

**CASE NO.: 08-CA-80000
DIVISION: Y**

Pertains to: All Cases

**ORDER GRANTING DEFENDANTS' MOTION
FOR RECONSIDERATION OF THE ORDER ON
PLAINTIFFS' GENERIC MOTION *IN LIMINE* NO. 6
IN LIGHT OF INTERVENING AND CONTROLLING PRECEDENT**

THIS MATTER came before the Court at an *en banc* hearing on May 1-2, 2018, on Defendants' Motion for Reconsideration of the Order on Plaintiffs' Generic Motion *in Limine* No. 6 in Light of Intervening and Controlling Precedent. On October 12, 2017, October 16, 2017, October 19, 2017, and November 20, 2017, Judge Russell L. Healey, Circuit Court Judge for Duval County, entered numerous pretrial "All Cases" orders, to be applicable in all pending *Engle* Progeny cases in Duval County. This Court, having presented to the parties the possibility of adopting the Duval County orders in this Circuit, allowed for written submissions and oral argument of the parties on such proposal. In light of the parties' submissions, the argument presented at the *en banc* hearing, and being fully advised in the premises, it is hereby **ORDERED** and **ADJUDGED** that:

Defendants' Motion for Reconsideration of the Order on Plaintiff's Generic Motion *in Limine* No. 6 in Light of Intervening and Controlling Precedent is **GRANTED** pursuant to *Reynolds Tobacco Co. v. Mack*, 92 So. 3d 244 (Fla. 1st DCA 2012) (holding that defendants need not "attempt[] to prove that something else caused" the smoker's injury, but instead may "diminish [the plaintiff's] expert testimony that smoking was the probable cause of [the smoker's illness[es]]

by introducing other possible causes that were pertinent to the [smoker's] situation[s]," provided it is "competent and supported by relevant evidence or research"). Defendants shall be permitted to diminish a plaintiff's evidence that smoking was the probable cause of a smoker's injuries. Defendants shall be permitted to introduce relevant and competent evidence, including expert testimony, of alternative causes of a smoker's injuries, and cross-examine Plaintiffs' causation witnesses concerning other possible causes—all without being required to establish, to a reasonable degree of medical or scientific certainty, that Plaintiffs' injuries were caused by something other than addiction. To the extent Defendants offer expert testimony, admissibility of said testimony shall be decided by the trial court but may not be excluded on the basis that Defendants' experts are unable to testify as to a reasonable degree of medical or scientific probability.

**IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA
CIRCUIT CIVIL DIVISION**

**IN RE: ENGLE PROGENY CASES
TOBACCO LITIGATION,**

**CASE NO.: 08-CA-80000
DIVISION: Y**

Pertains to: All Cases

**ORDER ON DEFENDANTS' "ALL CASES" MOTION *IN LIMINE* TO
PRECLUDE ARGUMENT OR COMMENT REGARDING THE
ABSENCE OF CORPORATE REPRESENTATIVES AT TRIAL**

THIS MATTER came before the Court at an *en banc* hearing on May 1-2, 2018, on Defendants' "All Cases" Motion *in Limine* to Preclude Argument or Comment Regarding the Absence of Corporate Representatives at Trial. On October 12, 2017, October 16, 2017, October 19, 2017, and November 20, 2017, Judge Russell L. Healey, Circuit Court Judge for Duval County, entered numerous pretrial "All Cases" orders, to be applicable in all pending *Engle* Progeny cases in Duval County. This Court, having presented to the parties the possibility of adopting the Duval County orders in this Circuit, allowed for written submissions and oral argument of the parties on such proposal. At the *en banc* hearing, the parties agreed to entry of this Order while preserving previous objections. The Court having considered argument of counsel and being fully advised in the premises, it is hereby **ORDERED** and **ADJUDGED** that:

Defendants' "All Cases" Motion *in Limine* to Preclude Argument or Comment Regarding the Absence of Corporate Representatives at Trial is **GRANTED**. Neither party shall comment on the absence of parties or their representatives from the courtroom. The parties may request that the Court instruct the jury about the absence of parties or their representatives at trial.

**IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA
CIRCUIT CIVIL DIVISION**

**IN RE: ENGLE PROGENY CASES
TOBACCO LITIGATION,**

**CASE NO.: 08-CA-80000
DIVISION: Y**

***Pertains to:* All Cases**

**ORDER ON DEFENDANTS' "ALL CASES" MOTION
IN LIMINE REGARDING DOCUMENTS MADE PUBLIC BY
THE COMMERCE COMMITTEE OF THE U.S. HOUSE OF
REPRESENTATIVES, THEN CHAIRED BY REP. THOMAS BLILEY**

THIS MATTER came before the Court at an *en banc* hearing on May 1-2, 2018, on Defendants' "All Cases" Motion *in Limine* Regarding Documents Made Public by the Commerce Committee of the U.S. House of Representatives, then Chaired by Rep. Thomas Bliley. On October 12, 2017, October 16, 2017, October 19, 2017, and November 20, 2017, Judge Russell L. Healey, Circuit Court Judge for Duval County, entered numerous pretrial "All Cases" orders, to be applicable in all pending *Engle* Progeny cases in Duval County. This Court, having presented to the parties the possibility of adopting the Duval County orders in this Circuit, allowed for written submissions and oral argument of the parties on such proposal. In light of the parties' submissions, the argument presented at the *en banc* hearing, and being fully advised in the premises, it is hereby **ORDERED** and **ADJUDGED** that:

Defendants' "All Cases" Motion *in Limine* Regarding Documents Made Public by the Commerce Committee of the U.S. House of Representatives, then Chaired by Rep. Thomas Bliley is **DENIED** as to any privilege objection in a pretrial motion in limine; however, the parties are not prohibited from raising case-specific evidentiary objections before the presiding trial judge. This is not an invitation to reargue the entire Bliley Motion in Limine that has typically been raised

in every case to date. If there is nothing case-specific, which would be rare, a motion should not be made. Again, all objections have been preserved by this Order.

**IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA
CIRCUIT CIVIL DIVISION**

**IN RE: ENGLE PROGENY CASES
TOBACCO LITIGATION,**

**CASE NO.: 08-CA-80000
DIVISION: Y**

Pertains to: All Cases

**ORDER ON DEFENDANTS' "ALL CASES" MOTION *IN LIMINE* TO EXCLUDE
EVIDENCE REGARDING THE NUMBER OF DEATHS CAUSED BY SMOKING**

THIS MATTER came before the Court at an *en banc* hearing on May 1-2, 2018, on Defendants' "All Cases" Motion *in Limine* to Exclude Evidence Regarding the Number of Deaths Caused by Smoking. On October 12, 2017, October 16, 2017, October 19, 2017, and November 20, 2017, Judge Russell L. Healey, Circuit Court Judge for Duval County, entered numerous pretrial "All Cases" orders, to be applicable in all pending *Engle* Progeny cases in Duval County. This Court, having presented to the parties the possibility of adopting the Duval County orders in this Circuit, allowed for written submissions and oral argument of the parties on such proposal. In light of the parties' submissions, the argument presented at the *en banc* hearing, and being fully advised in the premises, it is hereby **ORDERED** and **ADJUDGED** that:

Defendants' "All Cases" Motion *in Limine* to Exclude Evidence Regarding the Number of Deaths Caused by Smoking is **GRANTED IN PART** and **DENIED IN PART**. The Motion is granted in part as it pertains to the number of worldwide deaths; such evidence is excluded. The Motion is denied in part as to the annual U.S. deaths attributed to smoking as determined by the CDC or some other U.S. governmental agency required by federal statutes to obtain and keep such statistics. Such data may be from December 19, 1953, the date the conspiracy began, to trial. In addition, the presiding trial judge shall give a limiting instruction as provided in *Philip Morris*

USA Inc. v. Boatright, 217 So. 3d 166 (Fla. 2d DCA 2017) (explaining that with regard to “arguments concerning harm to others and the number of deaths from smoking, it was made clear to the jury that harm to others was relevant only to show the degree of reprehensibility of the Defendants’ conduct” but that the jury “could not impose punitive damages to punish a defendant for harm caused to others”).

**IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA
CIRCUIT CIVIL DIVISION**

**IN RE: ENGLE PROGENY CASES
TOBACCO LITIGATION,**

**CASE NO.: 08-CA-80000
DIVISION: Y**

Pertains to: All Cases

**ORDER ON DEFENDANTS' "ALL CASES" MOTION *IN LIMINE* TO
EXCLUDE EVIDENCE OF, OR REFERENCES TO, ALLEGED YOUTH MARKETING**

THIS MATTER came before the Court at an *en banc* hearing on May 1-2, 2018, on Defendants' "All Cases" Motion *in Limine* to Exclude Evidence of, or References to, Alleged Youth Marketing. On October 12, 2017, October 16, 2017, October 19, 2017, and November 20, 2017, Judge Russell L. Healey, Circuit Court Judge for Duval County, entered numerous pretrial "All Cases" orders, to be applicable in all pending *Engle* Progeny cases in Duval County. This Court, having presented to the parties the possibility of adopting the Duval County orders in this Circuit, allowed for written submissions and oral argument of the parties on such proposal. In light of the parties' submissions, the argument presented at the *en banc* hearing, and being fully advised in the premises, it is hereby **ORDERED** and **ADJUDGED** that:

Defendants' "All Cases" Motion *in Limine* to Exclude Evidence of, or References to, Alleged Youth Marketing is **DENIED**. However, the parties are not prohibited from filing a motion with the presiding trial judge which raises fact-specific objections to specific documents, photographs, or videos. Due to the nature of the evidence presented in each individual case, the *en banc* panel finds that each individual trial judge must consider the exclusion of specific items of evidence on a case-by-case basis.

**IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA
CIRCUIT CIVIL DIVISION**

**IN RE: ENGLE PROGENY CASES
TOBACCO LITIGATION,**

**CASE NO.: 08-CA-80000
DIVISION: Y**

Pertains to: All Cases

**ORDER ON DEFENDANTS' "ALL CASES" MOTION *IN LIMINE* TO
EXCLUDE OR LIMIT EVIDENCE CONCERNING THEIR FINANCIAL RESOURCES**

THIS MATTER came before the Court at an *en banc* hearing on May 1-2, 2018, on Defendants' "All Cases" Motion *in Limine* to Exclude or Limit Evidence Concerning Their Financial Resources. On October 12, 2017, October 16, 2017, October 19, 2017, and November 20, 2017, Judge Russell L. Healey, Circuit Court Judge for Duval County, entered numerous pretrial "All Cases" orders, to be applicable in all pending *Engle* Progeny cases in Duval County. This Court, having presented to the parties the possibility of adopting the Duval County orders in this Circuit, allowed for written submissions and oral argument of the parties on such proposal. In light of the parties' submissions, the argument presented at the *en banc* hearing, and being fully advised in the premises, it is hereby **ORDERED** and **ADJUDGED** that:

Defendants' "All Cases" Motion *in Limine* to Exclude or Limit Evidence Concerning Their Financial Resources is **GRANTED IN PART** and **DENIED IN PART**. Plaintiffs may only introduce evidence of Defendants' net worth or, in the case of Lorillard Tobacco Company, its working capital, at the time of trial during the punitive damages amount phase of trial. If a plaintiff in an individual case believes a defendant's statement of its net worth or working capital is fraudulent, misleading, or inaccurate, the plaintiff shall raise the issue with the Court at least 30

days before trial. The Court implores the parties to stipulate to a set of financial numbers that allow both sides to put on their respective arguments.

**IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA
CIRCUIT CIVIL DIVISION**

**IN RE: ENGLE PROGENY CASES
TOBACCO LITIGATION,**

**CASE NO.: 08-CA-80000
DIVISION: Y**

Pertains to: All Cases

**ORDER ON DEFENDANTS' "ALL CASES" MOTION
IN LIMINE TO PRECLUDE EVIDENCE AND ARGUMENT OF
THE PAIN AND SUFFERING OF THE DECEDENT**

THIS MATTER came before the Court at an *en banc* hearing on May 1-2, 2018, on Defendants' "All Cases" Motion *in Limine* to Preclude Evidence and Argument of the Pain and Suffering of the Decedent. On October 12, 2017, October 16, 2017, October 19, 2017, and November 20, 2017, Judge Russell L. Healey, Circuit Court Judge for Duval County, entered numerous pretrial "All Cases" orders, to be applicable in all pending *Engle* Progeny cases in Duval County. This Court, having presented to the parties the possibility of adopting the Duval County orders in this Circuit, allowed for written submissions and oral argument of the parties on such proposal. In light of the parties' submissions, the argument presented at the *en banc* hearing, and being fully advised in the premises, it is hereby **ORDERED** and **ADJUDGED** that:

Defendants' "All Cases" Motion *in Limine* to Preclude Evidence and Argument of the Pain and Suffering of the Decedent is **GRANTED IN PART** and **DENIED IN PART**. Such evidence shall be admissible only to the extent that it is relevant to the pain and suffering of a survivor, as defined by the wrongful death statute and binding authority on the issue of when a survivor may testify about their own pain and suffering, such as *Martin v. United Sec. Serv., Inc.*, 314 So. 2d 765 (Fla. 1975).

**IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA
CIRCUIT CIVIL DIVISION**

**IN RE: ENGLE PROGENY CASES
TOBACCO LITIGATION,**

**CASE NO.: 08-CA-80000
DIVISION: Y**

***Pertains to:* All Cases**

**ORDER ON DEFENDANTS' "ALL CASES" MOTION *IN LIMINE* TO
PRECLUDE REFERENCE TO THEIR LITIGATION RESOURCES**

THIS MATTER came before the Court at an *en banc* hearing on May 1-2, 2018, on Defendants' "All Cases" Motion *in Limine* to Preclude Reference to Their Litigation Resources. On October 12, 2017, October 16, 2017, October 19, 2017, and November 20, 2017, Judge Russell L. Healey, Circuit Court Judge for Duval County, entered numerous pretrial "All Cases" orders, to be applicable in all pending *Engle* Progeny cases in Duval County. This Court, having presented to the parties the possibility of adopting the Duval County orders in this Circuit, allowed for written submissions and oral argument of the parties on such proposal. In light of the parties' submissions, the argument presented at the *en banc* hearing, and being fully advised in the premises, it is hereby **ORDERED** and **ADJUDGED** that:

Defendants' "All Cases" Motion *in Limine* to Preclude Reference to Their Litigation Resources is **GRANTED** except as to expert witnesses (*Boucher*¹ evidence). Neither party shall discuss their own or the other party's litigation resources or trial-related logistics.

¹ *Allstate Ins. Co. v. Boecher*, 733 So. 2d 993 (Fla. 1999).

**IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA
CIRCUIT CIVIL DIVISION**

**IN RE: ENGLE PROGENY CASES
TOBACCO LITIGATION,**

**CASE NO.: 08-CA-80000
DIVISION: Y**

Pertains to: All Cases

**ORDER ON DEFENDANTS' "ALL CASES" MOTION *IN LIMINE* REGARDING
THE TESTIMONY OF PLAINTIFFS' EXPERT, ROBERT PROCTOR,
PH.D., AND REQUEST FOR ADMONITION DUE TO HIS MISCONDUCT**

THIS MATTER came before the Court at an *en banc* hearing on May 1-2, 2018, on Defendants' "All Cases" Motion *in Limine* Regarding the Testimony of Plaintiff's Expert, Robert Proctor, Ph.D., and Request for Admonition Due to His Misconduct. On October 12, 2017, October 16, 2017, October 19, 2017, and November 20, 2017, Judge Russell L. Healey, Circuit Court Judge for Duval County, entered numerous pretrial "All Cases" orders, to be applicable in all pending *Engle* Progeny cases in Duval County. This Court, having presented to the parties the possibility of adopting the Duval County orders in this Circuit, allowed for written submissions and oral argument of the parties on such proposal. In light of the parties' submissions, the argument presented at the *en banc* hearing, and being fully advised in the premises, it is hereby **ORDERED** and **ADJUDGED** that:

Defendants' "All Cases" Motion *in Limine* Regarding the Testimony of Plaintiffs' Expert, Robert Proctor, Ph.D., and Request for Admonition Due to His Misconduct is **DENIED**. As with all expert witnesses, testimony that amounts to speculation is inappropriate on issues outside their expertise. The parties are not prohibited from making appropriate objections during trial.

**IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA
CIRCUIT CIVIL DIVISION**

**IN RE: ENGLE PROGENY CASES
TOBACCO LITIGATION,**

**CASE NO.: 08-CA-80000
DIVISION: Y**

Pertains to: All Cases

**ORDER ON DEFENDANTS' "ALL CASES" MOTION *IN LIMINE* TO EXCLUDE
EVIDENCE OF ALLEGEDLY TORTIOUS CONDUCT THAT OCCURRED
AFTER THE PLAINTIFF OR DECEDENT SMOKER QUIT SMOKING OR DIED**

THIS MATTER came before the Court at an *en banc* hearing on May 1-2, 2018, on Defendants' "All Cases" Motion *in Limine* to Exclude Evidence or Allegedly Tortious Conduct that Occurred After the Plaintiff or Decedent Smoker Quit Smoking or Died. On October 12, 2017, October 16, 2017, October 19, 2017, and November 20, 2017, Judge Russell L. Healey, Circuit Court Judge for Duval County, entered numerous pretrial "All Cases" orders, to be applicable in all pending *Engle* Progeny cases in Duval County. This Court, having presented to the parties the possibility of adopting the Duval County orders in this Circuit, allowed for written submissions and oral argument of the parties on such proposal. At the *en banc* hearing, the parties agreed to entry of this Order while preserving previous objections. The Court having considered argument of counsel and being fully advised in the premises, it is hereby **ORDERED** and **ADJUDGED** that:

Defendants' "All Cases" Motion *in Limine* to Exclude Evidence or Allegedly Tortious Conduct that Occurred After the Plaintiff or Decedent Smoker Quit Smoking or Died is **DENIED**.

**IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA
CIRCUIT CIVIL DIVISION**

**IN RE: ENGLE PROGENY CASES
TOBACCO LITIGATION,**

**CASE NO.: 08-CA-80000
DIVISION: Y**

***Pertains to:* All Cases**

**ORDER ON DEFENDANTS' "ALL CASES" MOTION *IN LIMINE*
TO EXCLUDE CERTAIN FEDERAL GOVERNMENT REPORTS**

THIS MATTER came before the Court at an *en banc* hearing on May 1-2, 2018, on Defendants' "All Cases" Motion *in Limine* to Exclude Certain Federal Government Reports. On October 12, 2017, October 16, 2017, October 19, 2017, and November 20, 2017, Judge Russell L. Healey, Circuit Court Judge for Duval County, entered numerous pretrial "All Cases" orders, to be applicable in all pending *Engle* Progeny cases in Duval County. This Court, having presented to the parties the possibility of adopting the Duval County orders in this Circuit, allowed for written submissions and oral argument of the parties on such proposal. In light of the parties' submissions, the argument presented at the *en banc* hearing, and being fully advised in the premises, it is hereby **ORDERED and ADJUDGED** that:

Defendants' "All Cases" Motion *in Limine* to Exclude Certain Federal Government Reports is **GRANTED IN PART and DENIED IN PART** as follows:

1. The Court grants Plaintiffs' Request for entry of an all cases order on Defendants' standard motion *in limine* to exclude certain Federal Government Reports.
2. Plaintiffs are not precluded in Hillsborough County cases from developing a different or more extensive factual record in support of the notice and adoptive admissions arguments or other non-hearsay uses of the documents discussed in *Philip Morris USA Inc. v. Pollari*, 228 So. 3d 115 (Fla. 4th DCA 2017) and other government reports

issued within the last twenty years, in which event the Court will make a determination of whether the *Pollari* ruling applies in a particular case.

3. The granting of Defendants' standard motion also does not preclude using portions of the 2010, 2012, and 2014 Surgeon General Reports and other government reports issued within the last twenty years on cross-examination for impeachment purposes, provided a proper foundation is established.

**IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA
CIRCUIT CIVIL DIVISION**

**IN RE: ENGLE PROGENY CASES
TOBACCO LITIGATION,**

**CASE NO.: 08-CA-80000
DIVISION: Y**

Pertains to: All Cases

**ORDER ON DEFENDANT'S MOTION TO ALLOW EVIDENCE OF
"COMMON KNOWLEDGE" OF SMOKING RISKS**

THIS MATTER came before the Court at an *en banc* hearing on May 1-2, 2018, on Defendants' Motion to Allow Evidence of "Common Knowledge" of Smoking Risks. On October 12, 2017, October 16, 2017, October 19, 2017, and November 20, 2017, Judge Russell L. Healey, Circuit Court Judge for Duval County, entered numerous pretrial "All Cases" orders, to be applicable in all pending *Engle* Progeny cases in Duval County. This Court, having presented to the parties the possibility of adopting the Duval County orders in this Circuit, allowed for written submissions and oral argument of the parties on such proposal. At the *en banc* hearing, the parties agreed to entry of this Order while preserving previous objections. The Court having considered argument of counsel and being fully advised in the premises, it is hereby **ORDERED** and **ADJUDGED** that:

Defendants' Motion to Allow Evidence of "Common Knowledge" of Smoking Risks is **GRANTED** as follows:

1. Evidence on the issue of common or public knowledge regarding "smoking" cigarettes and the hazards incident thereto is relevant.
2. In this order the Court does not rule on the admissibility of any particular piece of documentary evidence.

**IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA
CIRCUIT CIVIL DIVISION**

**IN RE: ENGLE PROGENY CASES
TOBACCO LITIGATION,**

**CASE NO.: 08-CA-80000
DIVISION: Y**

Pertains to: All Cases

**ORDER ON DEFENDANT'S MOTION TO EXCLUDE EVIDENCE OF
KENT CIGARETTE FILTERS CONTAINING ASBESTOS**

THIS MATTER came before the Court at an *en banc* hearing on May 1-2, 2018, on Defendants' Motion to Exclude Evidence of Kent Cigarette Filters Containing Asbestos. On October 12, 2017, October 16, 2017, October 19, 2017, and November 20, 2017, Judge Russell L. Healey, Circuit Court Judge for Duval County, entered numerous pretrial "All Cases" orders, to be applicable in all pending *Engle* Progeny cases in Duval County. This Court, having presented to the parties the possibility of adopting the Duval County orders in this Circuit, allowed for written submissions and oral argument of the parties on such proposal. At the *en banc* hearing, the parties agreed to entry of this Order while preserving previous objections. The Court having considered argument of counsel and being fully advised in the premises, it is hereby **ORDERED** and **ADJUDGED** that:

Defendants' motion to exclude evidence and argument regarding Kent cigarette filters containing asbestos is **GRANTED**. Evidence and argument relating to Kent cigarette filters containing asbestos, which were included in cigarettes manufactured by Lorillard Company between 1952 and 1956, is hereby excluded. In a particular case, Plaintiffs may seek reconsideration of this Order if that case involves a claim that the smoker suffered an injury caused by exposure to asbestos in Kent cigarette filters.

**IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA
CIRCUIT CIVIL DIVISION**

**IN RE: ENGLE PROGENY CASES
TOBACCO LITIGATION,**

**CASE NO.: 08-CA-80000
DIVISION: Y**

***Pertains to:* All Cases**

**ORDER ON DEFENDANTS' "ALL CASES" MOTION TO LIMIT
REFERENCES TO ENGLE OR ENGLE FINDINGS DURING VOIR DIRE**

THIS MATTER came before the Court at an *en banc* hearing on May 1-2, 2018, on Defendants' "All Cases" Motion to Limit References to *Engle* or *Engle* Findings During Voir Dire. On October 12, 2017, October 16, 2017, October 19, 2017, and November 20, 2017, Judge Russell L. Healey, Circuit Court Judge for Duval County, entered numerous pretrial "All Cases" orders, to be applicable in all pending *Engle* Progeny cases in Duval County. This Court, having presented to the parties the possibility of adopting the Duval County orders in this Circuit, allowed for written submissions and oral argument of the parties on such proposal. In light of the parties' submissions, the argument presented at the *en banc* hearing, and being fully advised in the premises, it is hereby **ORDERED** and **ADJUDGED** that:

Defendants' "All Cases" Motion to Limit References to *Engle* or *Engle* Findings During Voir Dire is **DENIED**. Each presiding trial judge may determine its own procedures regarding voir dire.

**IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA
CIRCUIT CIVIL DIVISION**

**IN RE: ENGLE PROGENY CASES
TOBACCO LITIGATION,**

**CASE NO.: 08-CA-80000
DIVISION: Y**

Pertains to: All Cases

**ORDER ON DEFENDANTS' "ALL CASES" MOTION TO PRECLUDE
EVIDENCE OF WARNING LABELS USED OUTSIDE THE UNITED STATES
AND WARNING LABELS VOLUNTARILY ADOPTED BY LIGGETT**

THIS MATTER came before the Court at an *en banc* hearing on May 1-2, 2018, on Defendants' "All Cases" Motion to Preclude Evidence of Warning Labels Used Outside the United States and Warning Labels Voluntarily Adopted by Liggett. On October 12, 2017, October 16, 2017, October 19, 2017, and November 20, 2017, Judge Russell L. Healey, Circuit Court Judge for Duval County, entered numerous pretrial "All Cases" orders, to be applicable in all pending *Engle* Progeny cases in Duval County. This Court, having presented to the parties the possibility of adopting the Duval County orders in this Circuit, allowed for written submissions and oral argument of the parties on such proposal. In light of the parties' submissions, the argument presented at the *en banc* hearing, and being fully advised in the premises, it is hereby **ORDERED** and **ADJUDGED** that:

Defendants' "All Cases" Motion to Preclude Evidence of Warning Labels Used Outside the United States and Warning Labels Voluntarily Adopted by Liggett is **GRANTED** as to all cases in which Liggett is not a named Defendant.

**IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA
CIRCUIT CIVIL DIVISION**

**IN RE: *ENGLE* PROGENY CASES
TOBACCO LITIGATION,**

**CASE NO.: 08-CA-80000
DIVISION: Y**

***Pertains to:* All Cases**

**ORDER ON DEFENDANTS' "ALL CASES" MOTION TO SEPARATE
DETERMINATION OF PUNITIVE DAMAGES AMOUNT FROM OTHER ISSUES**

THIS MATTER came before the Court at an *en banc* hearing on May 1-2, 2018, on Defendants' "All Cases" Motion to Separate Determination of Punitive Damages Amount from Other Issues. On October 12, 2017, October 16, 2017, October 19, 2017, and November 20, 2017, Judge Russell L. Healey, Circuit Court Judge for Duval County, entered numerous pretrial "All Cases" orders, to be applicable in all pending *Engle* Progeny cases in Duval County. This Court, having presented to the parties the possibility of adopting the Duval County orders in this Circuit, allowed for written submissions and oral argument of the parties on such proposal. At the *en banc* hearing, the parties agreed to entry of this Order while preserving previous objections. The Court having considered argument of counsel and being fully advised in the premises, it is hereby **ORDERED** and **ADJUDGED** that:

Defendants' "All Cases" Motion to Separate Determination of Punitive Damages Amount from Other Issues is **GRANTED IN PART** in that in future trials in Hillsborough County, there will be a separate phase on the amount of punitive damages, if any, in the event that Defendant or Defendants serve a notice prior to trial so requesting. Defendant or Defendants need not file a motion to obtain this relief.

**IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA
CIRCUIT CIVIL DIVISION**

**IN RE: ENGLE PROGENY CASES
TOBACCO LITIGATION,**

**CASE NO.: 08-CA-80000
DIVISION: Y**

***Pertains to:* All Cases**

**ORDER ON
DEFENDANTS' "ALL CASES" MOTION FOR ORDER LIMITING
THE TESTIMONY OF DR. K. MICHAEL CUMMINGS**

THIS MATTER came before the Court on at an *en banc* hearing on May 1-2, 2018, on Defendants' "All Cases" Motion for an Order Limiting the Testimony of Dr. K. Michael Cummings. On October 12, 2017, October 16, 2017, October 19, 2017, and November 20, 2017, Judge Russell L. Healey, Circuit Court Judge for Duval County, entered numerous pretrial "All Cases" orders, to be applicable in all pending *Engle* Progeny cases in Duval County. This Court, having presented to the parties the possibility of adopting the Duval County orders in this Circuit, allowed for written submissions and oral argument of the parties on such proposal. In light of the parties' submissions, the argument presented at the *en banc* hearing, and being fully advised in the premises, it is hereby **ORDERED** and **ADJUDGED** that:

Defendants' "All Cases" Motion for Order Limiting the Testimony of Dr. K. Michael Cummings is **GRANTED IN PART** and **DENIED IN PART** as follows:

1. As it relates to Dr. Cummings's testimony regarding cigarette design, Defendants' Motion is **GRANTED IN PART** and **DENIED IN PART**. Dr. Cummings shall be allowed to testify consistent with the holdings of the May 16, 2014, Order on Defendants' Motion in Limine to Preclude All Testimony by Dr. Michael Cummings Concerning Cigarette Design, entered by an *en banc* panel of the Circuit Court of the Twentieth Judicial Circuit

in and for Lee County, Florida, a copy of which is attached hereto as Exhibit A.

2. As it relates to Dr. Cummings's testimony that he donates a portion of his expert fees to charity, Defendants' Motion is **GRANTED**.
3. As it relates to Dr. Cummings's testimony suggesting that he is a "custodian" of tobacco industry records, Defendants' Motion is **GRANTED**. Dr. Cummings may testify about his efforts to compile historical data about the cigarette industry.

CIVIL ACTION

MASTER FILE NO.: 10TL1

BY DR. MICHAEL CUMMINGS CONCERNING CIGARETTE DESIGN

1. Pursuant to § 90.702, Fla. Stat., if scientific, technical, or other specialized knowledge will assist the trier of fact in understanding the evidence or in determining a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training, or education may testify about it in the form of an opinion or otherwise, if: (1) The testimony is based upon sufficient facts or data; (2) The testimony is the product of reliable principles and methods; and (3) The witness has applied the principles and methods reliably to the facts of the case. Section 90.702 is the Florida codification of the principles set forth in Daubert.

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2. In Daubert, the United States Supreme Court found that the previous test for the admissibility of scientific evidence, the "general acceptance" or the Frye¹ test, was superseded by the adoption of the federal rules of evidence, which do not establish "general acceptance" as an absolute prerequisite to admissibility. The Supreme Court in Daubert held that judges serve as "gatekeepers" of scientific evidence, and empowered judges with the task of ensuring that any and all scientific testimony or evidence admitted is not only relevant, but reliable. Notably, the inquiry envisioned under Daubert is a flexible one, with its overarching subject being "scientific validity and thus the evidentiary relevance and reliability—of the principles that underlie a proposed submission," and this "focus, of course, must be *solely on principles and methodology, not on the conclusions that they generate.*" Daubert, 509 U.S. at 594-595 (1993) (emphasis added).
3. In reviewing the reliability of proposed submissions, a trial court should determine whether an expert has the requisite knowledge, skill, experience, training, or education to be qualified as an expert in the subject field. Furthermore, the opinions must be based on sufficient facts or data to make it reliable. This determination requires a preliminary assessment of whether the reasoning or methodology underlying the testimony is scientifically valid and whether that reasoning or methodology properly can be applied to the facts in issue. The Supreme Court noted that many factors will influence this inquiry, and there is no definitive checklist or test; however, the Court did give some general observations that trial courts should consider:
- a. Can the theory or technique be tested or has it already been tested?
 - b. Has the theory or technique been subjected to peer review and publication?

¹ Frye v. U.S., 293 F. 1013 (D.C. Cir. 1923)

- c. Is there a known or potential rate of error?
- d. Has the theory or technique been met with "general acceptance" in the scientific community?

Furthermore, a trial court must determine that the witness has applied the theory or technique reliably to the facts of the case.

- 4. Lastly, a trial court must determine if the evidence is relevant, or, in other words, would the proffered submission assist a jury in understanding the evidence or determining facts in issue. A trial court should consider whether the opinions relate to a fact in issue, or if the subject matter is a complicated issue that is not within common knowledge of a lay juror. Also, a trial court will have to weigh the probative value versus the danger of unfair prejudice. Notably, a judge's "gatekeeping" function applies not only to scientific testimony, but to all expert testimony." Kumho Tire Company v. Carmichael, 526 U.S. 137 (1999).
- 5. In the case at bar, pursuant to this Court's February 18, 2014 Omnibus Order, which reduced to writing the Court's oral ruling on January 31, 2014, Plaintiffs were directed to submit Dr. Cummings' proposed expert opinions relating to cigarette designs. On February 4, 2014, Plaintiffs filed a Notice of Compliance that included the following six opinions on cigarette design:
 - a. Opinion 1 – "Cigarette manufacturers researched and studied nicotine and addiction, and used its superior knowledge to design cigarettes that would create and sustain addiction."
 - b. Opinion 2 – "Cigarette manufacturers concealed from consumers how they engineered their cigarettes to make it hard to quit."
 - c. Opinion 3 – "Cigarette manufacturers engineered cigarettes to appeal to teenagers to induce them to begin smoking."

- d. Opinion 4 – “Cigarette manufacturers engineered cigarettes to appeal to health concerned smokers to keep them smoking.”
 - e. Opinion 5 – “Cigarettes when used as intended by the manufacturer are addictive and unreasonably dangerous.”²
 - f. Opinion 6 – “The risks from smoking cigarettes today appear to be higher than in the past.”
6. The Court initially notes that these Engle³ progeny cases are unique in nature, because if a plaintiff can establish membership in the class, then they can take advantage of the following factual findings affirmed by the Florida Supreme Court on appeal:
- a. (1) that cigarettes cause some of the diseases at issue;
 - b. (2) that nicotine is addictive;
 - c. (3) that the defendants placed cigarettes on the market that were defective and unreasonably dangerous;
 - d. (4)(a) that the defendants concealed or omitted material information not otherwise known or available knowing that the material was false or misleading or failed to disclose a material fact concerning the health effects or addictive nature of smoking cigarettes or both;
 - e. (5)(a) that the defendants agreed to conceal or omit information regarding the health effects of cigarettes or their addictive nature with the intention that smokers and the public would rely on this information to their detriment;
 - f. (6) that all of the defendants sold or supplied cigarettes that were defective;
 - g. (7) that all of the defendants sold or supplied cigarettes that at the time of the sale or supply did not conform to representations of fact made by the defendants; and
 - h. (8) that all of the defendants were negligent.

Engle, at 1255.

7. The Court further notes that on June 30, 2011, an Omnibus Order on Motions Heard June 3, 2011 was filed. Pursuant to that order, Defendants’ Motion in Limine to Exclude

² The Court notes that during the April 29, 2014 hearing, this opinion was orally corrected and restated.

³ Engle v. Liggett Group, 945 So. 2d 1246 (Fla. 2006)

Expert Testimony Regarding the Meaning or Intent of Company Documents was granted to the extent that Plaintiffs were precluded from questioning experts as to the meaning of the documents or the state of mind of the author of a document. As Dr. Cummings is represented as an expert on internal tobacco company documents, he is subject to this June 30, 2011 Order and Plaintiffs are precluded from questioning Dr. Cummings on the meaning of documents or the state of mind of the author of a document. However, to the extent the document's meaning speaks for itself, Dr. Cummings is not precluded from testimony on the subject.

8. In determining the reliability of Dr. Cummings' opinions the Court has examined his extensive curriculum vitae, as well as considered his testimony from the Daubert hearing, to conclude that Dr. Cummings is qualified as an expert in epidemiology, as an expert on the effect of cigarettes, including design changes, on human behavior, and as an expert in the general history of cigarette design. Dr. Cummings is not an expert in cigarette design per se, but he is an expert in the field of human behavior in relation to cigarettes. While not identical, these two fields, in the context of this case, do have overlapping areas, which would allow Dr. Cummings to opine on certain behavioral reactions to cigarettes.
9. As it relates to his opinions based on tobacco industry internal documents, the Court finds that Plaintiffs has shown that Dr. Cummings' research methodology is reliable in nature to the extent described below. Pursuant to the Master Settlement Agreement, the tobacco industry agreed to turn over millions of documents to the State of New York. New York then turned those documents over to Roswell Park, which hired Dr. Cummings to index and digitize the documents in order to create an online, searchable database.
10. During his testimony, Dr. Cummings described his methodology for reviewing the

millions of documents that came to be part of an online collection that Dr. Cummings helped to review and index. Dr. Cummings further described how optical scan recognition tools were used in order to find certain keywords and a Boolean-styled search engine was created to navigate the documents, which allowed Dr. Cummings to enter a specific query via keywords into the search engine and collect all documents that contained the keyword, a search that he would further limit via date ranges. Starting with a particular date range, varying combinations of keywords (e.g. "cigarette design," "cancer," "nicotine," "youth marketing," "transgenic," "patent," etc.) were used by Dr. Cummings in what he referred to as a "snowball technique," whereby an initial search within a 5 year window would lead to a certain set of documents which would then reveal other keywords found in these particular documents that would then enable Dr. Cummings to find even more specific and narrow categories of documents. Such searches would then be run again in the next date duration period, so that a historical perspective could be achieved. In selecting documents, Dr. Cummings testified that he read the whole document sometimes, but that when he would read an abstract which indicated that it contained nothing of interest to his studies he would not read the entire document. He constructed files with internal company documents relevant to each of his opinions based on this technique.

11. Based upon Dr. Cummings' unique work with and extensive access to the tobacco company's internal documents, as well as his own research in his product testing lab, the Court finds that Dr. Cummings is qualified to opine on the historical record on how cigarettes were designed. Accordingly, based upon the above description, the Court finds Dr. Cummings' research methodology to be reliable for purposes of describing the

historical evolution of cigarettes.

12. As it relates to his opinions on human behavior and cigarettes, the Court finds that Plaintiffs have shown that his research methodology is reliable in nature to the extent described below. The curriculum vitae of Dr. Cummings demonstrates expert knowledge in the field of epidemiology and the relationship between cigarettes and human behavior. Dr. Cummings also testified about his substantial peer-reviewed articles and experimentations on human behavioral reactions to cigarettes conducted in a cessation clinic and a product testing lab he oversees.
 13. Dr. Cummings ran a cessation clinic in which he and his staff received and helped individuals addicted to nicotine to quit smoking. Information and research found via the product testing lab helped to assist him and his team in the work of rehabilitating individuals addicted to nicotine. He testified that the understanding of the product, in this case cigarettes, was crucial to cessation counseling.
 14. The product testing lab examined how cigarette products differ around the world and how they have changed through time, which testing included the reverse engineering of cigarettes. The research at this lab was described by Dr. Cummings as a team effort, in which Dr. Cummings was responsible for human behavior analysis of the research and for setting the overall protocol of the lab, but did not undertake the actual cigarette dissections and reverse engineering, as those duties were delegated to employed scientists and graduate students. As far as procedures and methodology in examining cigarettes, Dr. Cummings testified that they would scan and photograph the cigarette packs and individual cigarettes, while noting the date affixed to the labels. Next, the lab would dissect the cigarette, and then weigh and measure the component pieces of the cigarette.
-

The filter and rod of the cigarette would then be removed and measured separately, as would the tobacco, which would be measured for Ph, nicotine levels, and a microscopic examination of the tobacco flakes. The chemistry of the tobacco smoke would then be tested via a machine. Also, computer assisted cigarette design analysis would be conducted. Dr. Cummings testified that multiple cigarette samples would be used in order to get an adequate sample size for each specific brand and type of cigarette studied. He further testified that he and his team strictly adhere to the evidence, and any conclusions or determinations are based on the weight of the available evidence, whether that being their own research or his review of other research.

15. It is evident from Dr. Cummings' hands on relations with smokers, his research at the product testing lab, and his scholarly, peer-reviewed research that Dr. Cummings is qualified to opine on the behavioral reaction of humans to cigarettes. Accordingly, based upon the above description, the Court finds Dr. Cummings' research methodology to be reliable for purposes of opining on human behavioral reactions to cigarettes.
 16. Notably, during his testimony, Dr. Cummings conceded that neither he nor the scientific community have come to a consensus that any one specific design causes higher rates of addiction or health risks. Although he and other researchers believe higher rates of addiction and health risks are related to certain design features and additives, as of now, there is no consensus that, when isolated, specific design features of a cigarette, other than nicotine, causes increased danger or addictiveness. As a corollary, the Court finds that Dr. Cummings cannot testify that any one design aspect of a cigarette led to an increase the addiction or health problems of any one Plaintiff.
 17. The Court further finds that the jury would be well served hearing Dr. Cummings
-

opinions on the historical evolution of cigarettes and the effects of cigarettes on human behavior. Such information is relevant to causation, comparative fault, and punitive damages, and, the probative value outweighs any unfair prejudice that Defendants may face.

Accordingly, for the above stated reasons and noting that Engle progeny cases are unique in nature in that certain factual findings have res judicata effect, it is

ORDERED AND ADJUDGED that Dr. Cummings may opine, in general, about the effects of cigarettes, including design changes, on human behavior and on the general historical evolution of design changes in cigarettes. However, Dr. Cumming may not opine or otherwise articulate that any specific design features of a cigarette, other than nicotine, have caused an increase in addiction or risks associated with cigarettes, nor may he opine that any one design aspect of a cigarette led to an increase in the addiction or health problems of any one Plaintiff. With varying strains of tobacco, thousands of additives and ingredients, and multiple methods of manufacturing a plant into a cigarette, the Court finds that presently Plaintiffs have not demonstrated the requisite reliability needed via studies, scientific consensus, and other evidence to demonstrate that any one particular aspect of a cigarette design, other than nicotine itself, leads to an increase in addiction or health risks. This does not, however, foreclose Plaintiffs from introducing evidence and argument concerning an overall increase in addiction and health risks. As it concerns each specific opinion, the Court finds as follows:

1. Opinion 1 - Based upon certain Engle findings and the above analysis, Dr. Cummings is qualified to make this opinion; however, Dr. Cummings is prohibited from testifying that any one design feature, outside of nicotine, actually created or sustained addiction.

2. Opinion 2 – Based upon certain Engle findings and the above analysis, Dr. Cummings is qualified to make this opinion.
3. Opinion 3 – Based upon certain Engle findings and the above analysis, Dr. Cummings is qualified to make this opinion.
4. Opinion 4 – Based upon certain Engle findings and the above analysis, Dr. Cummings is qualified to make this opinion.
5. Opinion 5 – Based upon certain Engle findings and the above analysis, Dr. Cummings is qualified to make this opinion.
6. Opinion 6 – Based upon certain Engle findings and the above analysis, Dr. Cummings is qualified to opine on this topic so long as Dr. Cummings does not opine or otherwise suggest that any specific design feature has caused this increased risk.

DONE AND ORDERED in Chambers at Fort Myers, Lee County, Florida, this 16

day of May, 2014.

Keith R. Kyle 5/16/14
HONORABLE KEITH R. KYLE
Circuit Judge

[Signature] 5/16/14
HONORABLE MICHAEL T. McHUGH
Circuit Judge

Sherra Winesett
HONORABLE SHERRA WINESETT
Circuit Judge

CERTIFICATE OF SERVICE

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**LIAISON COUNSEL SHALL PROMPTLY SERVE A COPY OF THIS ORDER ON ALL
PARTIES, OR IF REPRESENTED, THEIR COUNSEL OF RECORD FOR THEIR
RESPECTIVE SIDES OF THIS LITIGATION**

Copies Provided

MAY 16 2014

By: J. Cason J.A.

**IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA
CIRCUIT CIVIL DIVISION**

**IN RE: *ENGLE* PROGENY CASES
TOBACCO LITIGATION,**

**CASE NO.: 08-CA-80000
DIVISION: Y**

***Pertains to:* All Cases**

**ORDER ON DEFENDANTS' "ALL CASES" MOTION FOR
ORDER LIMITING THE TESTIMONY OF ROBERT PROCTOR, PH.D.**

THIS MATTER came before the Court at an *en banc* hearing on May 1-2, 2018, Defendants' "All Cases" Motion for Order Limiting the Testimony of Robert Proctor, Ph.D. On October 12, 2017, October 16, 2017, October 19, 2017, and November 20, 2017, Judge Russell L. Healey, Circuit Court Judge for Duval County, entered numerous pretrial "All Cases" orders, to be applicable in all pending *Engle* Progeny cases in Duval County. This Court, having presented to the parties the possibility of adopting the Duval County orders in this Circuit, allowed for written submissions and oral argument of the parties on such proposal. In light of the parties' submissions, the argument presented at the *en banc* hearing, and being fully advised in the premises, it is hereby **ORDERED and ADJUDGED** that:

Defendants' "All Cases" Motion for an Order Limiting the Testimony of Robert Proctor, Ph.D. is **GRANTED**. Robert Proctor, Ph.D., may not express scientific opinions at trial regarding cigarette design or causation as to the plaintiff. Further, he may not interpret epidemiologic studies. He may, however, cite to and read from epidemiologic studies on which he relies in his work as an expert in the history of the cigarette industry. Robert Proctor, Ph.D., is limited to a recitation of historical information regarding cigarette design and epidemiologic studies.

**IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA
CIRCUIT CIVIL DIVISION**

**IN RE: *ENGLE* PROGENY CASES
TOBACCO LITIGATION,**

**CASE NO.: 08-CA-80000
DIVISION: Y**

***Pertains to:* All Cases**

**ORDER ON DEFENDANTS' MOTION REGARDING
THE NUMBER OF SMOKERS WHO HAVE QUIT SMOKING**

THIS MATTER came before the Court at an *en banc* hearing on May 1-2, 2018, on Defendants' Motion Regarding the Number of Smokers Who Have Quit Smoking. On October 12, 2017, October 16, 2017, October 19, 2017, and November 20, 2017, Judge Russell L. Healey, Circuit Court Judge for Duval County, entered numerous pretrial "All Cases" orders, to be applicable in all pending *Engle* Progeny cases in Duval County. This Court, having presented to the parties the possibility of adopting the Duval County orders in this Circuit, allowed for written submissions and oral argument of the parties on such proposal. At the *en banc* hearing, the parties agreed to entry of this Order while preserving previous objections. The Court having considered argument of counsel and being fully advised in the premises, it is hereby **ORDERED** and **ADJUDGED** that:

Defendants' Motion Regarding the Number of Smokers Who Have Quit Smoking is **GRANTED**. Such evidence may be introduced provided it is presented through a competent witness.

**IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA
CIRCUIT CIVIL DIVISION**

**IN RE: ENGLE PROGENY CASES
TOBACCO LITIGATION,**

**CASE NO.: 08-CA-80000
DIVISION: Y**

***Pertains to:* All Cases**

**ORDER ON PLAINTIFFS' "ALL CASES" MOTION *IN LIMINE*
TO PRECLUDE NON-BOECHER FINANCIAL INFORMATION**

THIS MATTER came before the Court at an *en banc* hearing on May 1-2, 2018, on Plaintiffs' "All Cases" Motion *in Limine* to Preclude Non-Boecher Financial Information. On October 12, 2017, October 16, 2017, October 19, 2017, and November 20, 2017, Judge Russell L. Healey, Circuit Court Judge for Duval County, entered numerous pretrial "All Cases" orders, to be applicable in all pending *Engle* Progeny cases in Duval County. This Court, having presented to the parties the possibility of adopting the Duval County orders in this Circuit, allowed for written submissions and oral argument of the parties on such proposal. At the *en banc* hearing, the parties agreed to entry of this Order while preserving previous objections. The Court having considered argument of counsel and being fully advised in the premises, it is hereby **ORDERED** and **ADJUDGED** that:

Plaintiffs' "All Cases" Motion *in Limine* To Preclude Non-Boecher Financial Information (evidence of the total amount of money earned by expert witnesses) is **GRANTED IN PART** and **DENIED IN PART**. The parties may question experts only as to their earnings and incomes derived from their work on *Engle* progeny cases and as to their earnings and incomes derived from any work done for counsel presenting the expert in the case on trial or in prior cases.

**IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA
CIRCUIT CIVIL DIVISION**

**IN RE: *ENGLE* PROGENY CASES
TOBACCO LITIGATION,**

**CASE NO.: 08-CA-80000
DIVISION: Y**

***Pertains to:* All Cases**

**ORDER ON PLAINTIFFS' "ALL CASES" MOTION *IN LIMINE* TO PRECLUDE
EVIDENCE OF "REDUCED RISK" PRODUCTS NOT MANUFACTURED BY
DEFENDANTS, BUT BY COMPANIES RELATED TO DEFENDANTS**

THIS MATTER came before the Court at an *en banc* hearing on May 1-2, 2018, on Plaintiffs' "All Cases" Motion *in Limine* to Preclude Evidence of "Reduced Risk" Products Not Manufactured by Defendants, but by Companies Related to Defendants. On October 12, 2017, October 16, 2017, October 19, 2017, and November 20, 2017, Judge Russell L. Healey, Circuit Court Judge for Duval County, entered numerous pretrial "All Cases" orders, to be applicable in all pending *Engle* Progeny cases in Duval County. This Court, having presented to the parties the possibility of adopting the Duval County orders in this Circuit, allowed for written submissions and oral argument of the parties on such proposal. At the *en banc* hearing, the parties agreed to entry of this Order while preserving previous objections. The Court having considered argument of counsel and being fully advised in the premises, it is hereby **ORDERED** and **ADJUDGED** that:

Plaintiffs' "All Cases" Motion *in Limine* to Preclude Evidence of "Reduced Risk" Products Not Manufactured by Defendants, but by Companies Related to Defendants is **GRANTED IN PART** and **DENIED IN PART** as follows:

- A. Defendants may introduce mitigation evidence of their participation in and work with related companies to produce "reduced risk" products. However, if Defendants

present this evidence, they must present the evidence through a testifying witness who must make clear the Defendant(s)'s role in the process with the related company, and must be specific as to the identity of the company that is making, producing, or selling the product. If Defendants introduce such evidence, they will have opened the door to appropriate rebuttal evidence and cross-examination, to be governed by the trial judge.

B. Defendants may not introduce evidence of or argument about their participation with Kentucky BioProcessing, and its manufactured pharmaceutical called ZMapp which is alleged to be used in treatment of the Ebola virus.

**IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA
CIRCUIT CIVIL DIVISION**

**IN RE: ENGLE PROGENY CASES
TOBACCO LITIGATION,**

**CASE NO.: 08-CA-80000
DIVISION: Y**

Pertains to: All Cases

**ORDER ON PLAINTIFFS' MOTION *IN LIMINE* TO PRECLUDE
ARGUMENT THAT A SMOKER ASSUMED THE RISK OF SMOKING**

THIS MATTER came before the Court at an *en banc* hearing on May 1-2, 2018, on Plaintiffs' Motion *in Limine* to Preclude Argument that a Smoker Assumed the Risk of Smoking. On October 12, 2017, October 16, 2017, October 19, 2017, and November 20, 2017, Judge Russell L. Healey, Circuit Court Judge for Duval County, entered numerous pretrial "All Cases" orders, to be applicable in all pending *Engle* Progeny cases in Duval County. This Court, having presented to the parties the possibility of adopting the Duval County orders in this Circuit, allowed for written submissions and oral argument of the parties on such proposal. In light of the parties' submissions, the argument presented at the *en banc* hearing, and being otherwise fully informed, it is hereby **ORDERED** and **ADJUDGED** that:

Plaintiffs' Motion in Limine precluding argument that Plaintiff assumed the risk of smoking is **GRANTED**. Defendant may not argue that a smoker assumed the risk of smoking, or use the terms "assumption of risk" or "assumed the risk." Defendants may not argue that a smoker's choice to smoke or choice not to quit, and addiction, are mutually exclusive causes. Defendants may argue that a smoker was not addicted to cigarettes containing nicotine, may argue that addiction did not substantially contribute to a smoker's continuing to smoke, and may argue that a smoker smoked for reasons other than addiction.

**IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA
CIRCUIT CIVIL DIVISION**

**IN RE: *ENGLE* PROGENY CASES
TOBACCO LITIGATION,**

**CASE NO.: 08-CA-80000
DIVISION: Y**

***Pertains to:* All Cases**

**ORDER ON PLAINTIFFS' "ALL CASES" MOTION TO EXCLUDE ARGUMENT OR
EVIDENCE THAT SILENCE CONSTITUTES AN ADMISSION
ABSENT LAYING THE REQUIRED FOUNDATION AND PREDICATE**

THIS MATTER came before the Court at an *en banc* hearing on May 1-2, 2018, on Plaintiffs' "All Cases" Motion to Exclude Argument or Evidence that Silence Constitutes an Admission Absent Laying the Required Foundation and Predicate. On October 12, 2017, October 16, 2017, October 19, 2017, and November 20, 2017, Judge Russell L. Healey, Circuit Court Judge for Duval County, entered numerous pretrial "All Cases" orders, to be applicable in all pending *Engle* Progeny cases in Duval County. This Court, having presented to the parties the possibility of adopting the Duval County orders in this Circuit, allowed for written submissions and oral argument of the parties on such proposal. In light of the parties' submissions, the argument presented at the *en banc* hearing, and being fully advised in the premises, it is hereby **ORDERED** and **ADJUDGED** that:

Plaintiffs' All-Cases Motion To Exclude Argument Or Evidence That Silence Constitutes An Admission Absent Laying The Required Foundation And Predicate is **GRANTED**. The defense may not state in opening statement any positions based on "silence by admission." If he or she has a good faith basis for so asking and assuming the parties establish that the witness had a sufficiently close relationship where one would expect this type of testimony, defense counsel

may question witnesses consistently with *Privett v. State*, 417 So. 2d 805, 806-807 (Fla. 5th DCA 1982), and its progeny.

Generally, in order to lay a necessary foundation for the introduction of a tacit admission or “admission by silence,” it is necessary to prove that (a) the statement was made by the witness in the presence of the smoker, (b) that the smoker heard the statement, (c) that the smoker understood the statement, (d) that the smoker was mentally and physically capable of denying the statement and (e) the circumstances were such that a reasonable smoker would have denied the statement if it were not true. *See* Erhardt’s Fla. Evidence 803.18(b) (2018 ed.). Without laying such predicate, defense counsel cannot insert questions or argue on closing statements like: “Because Plaintiff never said he was addicted, he was not,” or “Because Plaintiff never said he could not quit, he could.”

**IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA
CIRCUIT CIVIL DIVISION**

**IN RE: ENGLE PROGENY CASES
TOBACCO LITIGATION,**

**CASE NO.: 08-CA-80000
DIVISION: Y**

Pertains to: All Cases

**ORDER ON PLAINTIFFS' "ALL CASES" MOTION
TO PRECLUDE EVIDENCE OR ARGUMENT
CONCERNING CLAIMS WITHDRAWN OR DISMISSED**

THIS MATTER came before the Court at an *en banc* hearing on May 1-2, 2018, on Plaintiffs' "All Cases" Motion to Preclude Evidence or Argument Concerning Claims Withdrawn or Dismissed. On October 12, 2017, October 16, 2017, October 19, 2017, and November 20, 2017, Judge Russell L. Healey, Circuit Court Judge for Duval County, entered numerous pretrial "All Cases" orders, to be applicable in all pending *Engle* Progeny cases in Duval County. This Court, having presented to the parties the possibility of adopting the Duval County orders in this Circuit, allowed for written submissions and oral argument of the parties on such proposal. At the *en banc* hearing, the parties agreed to entry of this Order while preserving previous objections. The Court having considered argument of counsel and being fully advised in the premises, it is hereby **ORDERED** and **ADJUDGED** that:

Plaintiffs' "All Cases" Motion to Preclude Evidence or Argument Concerning Claims Withdrawn or Dismissed is **GRANTED**.

**IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA
CIRCUIT CIVIL DIVISION**

**IN RE: *ENGLE* PROGENY CASES
TOBACCO LITIGATION,**

**CASE NO.: 08-CA-80000
DIVISION: Y**

***Pertains to:* All Cases**

**ORDER ON PLAINTIFFS' "ALL CASES" MOTION TO PRECLUDE
ATTRIBUTION OF FAULT TO NON-PARTIES SUCH AS FAMILY MEMBERS**

THIS MATTER came before the Court at an *en banc* hearing on May 1-2, 2018, on Plaintiffs' "All Cases" Motion to Preclude Attribution of Fault to Non-Parties such as Family Members. On October 12, 2017, October 16, 2017, October 19, 2017, and November 20, 2017, Judge Russell L. Healey, Circuit Court Judge for Duval County, entered numerous pretrial "All Cases" orders, to be applicable in all pending *Engle* Progeny cases in Duval County. This Court, having presented to the parties the possibility of adopting the Duval County orders in this Circuit, allowed for written submissions and oral argument of the parties on such proposal. At the *en banc* hearing, the parties agreed to entry of this Order while preserving previous objections. The Court having considered argument of counsel and being fully advised in the premises, it is hereby **ORDERED** and **ADJUDGED** that:

Plaintiffs' "All Cases" Motion to Preclude Attribution of Fault to Non-Parties such as Family Members is **GRANTED IN PART**, in that Defendants cannot argue that any family member of the smoker at issue (other than the smoker himself or herself) were at fault or responsible for the smoker's alleged smoking-related injuries or death, or that they had a legal duty to encourage the smoker to stop smoking or to warn the smoker of the hazards associated with smoking. This ruling does not prohibit Defendants from presenting evidence (subject to

contemporaneous objection) regarding any discussions any family member may have had with the smoker about the smoker's smoking history (including the brands smoked), why the smoker smoked, the smoker's efforts to quit smoking, the possible risks of smoking, and the smoker's awareness thereof. Nothing in this ruling impacts Defendants' ability to introduce evidence regarding the brands the smoker smoked and which Defendant or non-party manufactured those brands and the time periods during which the smoker used each brand.

**IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA
CIRCUIT CIVIL DIVISION**

**IN RE: ENGLE PROGENY CASES
TOBACCO LITIGATION,**

**CASE NO.: 08-CA-80000
DIVISION: Y**

Pertains to: All Cases

**ORDER ON PLAINTIFFS' "ALL CASES" MOTION TO PRECLUDE INVOCATION
OF PUNITIVE DAMAGES BAR OF SECTION 768.73(2) AS AMENDED IN 1999**

THIS MATTER came before the Court at an *en banc* hearing on May 1-2, 2018, on Plaintiffs' "All Cases" Motion To Preclude Invocation Of Punitive Damages Bar Of Section 768.72(3) As Amended In 1999. On October 12, 2017, October 16, 2017, October 19, 2017, and November 20, 2017, Judge Russell L. Healey, Circuit Court Judge for Duval County, entered numerous pretrial "All Cases" orders, to be applicable in all pending *Engle* Progeny cases in Duval County. This Court, having presented to the parties the possibility of adopting the Duval County orders in this Circuit, allowed for written submissions and oral argument of the parties on such proposal. At the *en banc* hearing, the parties agreed to entry of this Order while preserving previous objections. The Court having considered argument of counsel and being fully advised in the premises, it is hereby **ORDERED** and **ADJUDGED** that Plaintiffs' "All Cases" Motion To Preclude Invocation Of Punitive Damages Bar Of Section 768.73(2) As Amended In 1999 is **GRANTED**. The Court finds that the post-1999 amendments to the punitive damages statute do not apply to these cases pursuant to *R.J. Reynolds Tobacco Co. v. Allen*, 228 So. 3d 684 (Fla. 1st DCA 2017).

**IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA
CIRCUIT CIVIL DIVISION**

**IN RE: *ENGLE* PROGENY CASES
TOBACCO LITIGATION,**

**CASE NO.: 08-CA-80000
DIVISION: Y**

***Pertains to:* All Cases**

**ORDER ON PLAINTIFFS' "ALL CASES" MOTION TO
PRECLUDE PERSONAL BELIEFS ABOUT VERACITY OF WITNESSES**

THIS MATTER came before the Court at an *en banc* hearing on May 1-2, 2018, on Plaintiffs' "All Cases" Motion to Preclude Personal Beliefs About Veracity of Witnesses. On October 12, 2017, October 16, 2017, October 19, 2017, and November 20, 2017, Judge Russell L. Healey, Circuit Court Judge for Duval County, entered numerous pretrial "All Cases" orders, to be applicable in all pending *Engle* Progeny cases in Duval County. This Court, having presented to the parties the possibility of adopting the Duval County orders in this Circuit, allowed for written submissions and oral argument of the parties on such proposal. At the *en banc* hearing, the parties agreed to entry of this Order while preserving previous objections. The Court having considered argument of counsel and being fully advised in the premises, it is hereby **ORDERED** and **ADJUDGED** that:

Plaintiffs' "All Cases" Motion To Preclude Counsel's Personal Beliefs About Veracity Of Witnesses is **GRANTED IN PART** in that counsel for both parties are precluded from stating their "personal beliefs" about the credibility or veracity of any witness. This ruling does not prohibit counsel from making appropriate arguments to the jury based on the facts and evidence in the case regarding the reasons why the jury should conclude certain testimony is or is not

credible or reliable or the significance the jury should assign to certain testimony, facts, or opinions.

**IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA
CIRCUIT CIVIL DIVISION**

**IN RE: ENGLE PROGENY CASES
TOBACCO LITIGATION,**

**CASE NO.: 08-CA-80000
DIVISION: Y**

***Pertains to:* All Cases**

**ORDER ON PLAINTIFFS' "ALL CASES" MOTION TO PRECLUDE
TESTIMONY CONCERNING THE VERACITY OF OTHER WITNESSES**

THIS MATTER came before the Court at an *en banc* hearing on May 1-2, 2018, on Plaintiffs' "All Cases" Motion to Preclude Testimony Concerning the Veracity of Other Witnesses. On October 12, 2017, October 16, 2017, October 19, 2017, and November 20, 2017, Judge Russell L. Healey, Circuit Court Judge for Duval County, entered numerous pretrial "All Cases" orders, to be applicable in all pending *Engle* Progeny cases in Duval County. This Court, having presented to the parties the possibility of adopting the Duval County orders in this Circuit, allowed for written submissions and oral argument of the parties on such proposal. At the *en banc* hearing, the parties agreed to entry of this Order while preserving previous objections. The Court having considered argument of counsel and being fully advised in the premises, it is hereby **ORDERED** and **ADJUDGED** that:

Plaintiffs' "All Cases" Motion To Preclude Testimony Concerning The Veracity Of Other Witnesses is **GRANTED IN PART** in that neither party shall elicit testimony from one witness about the credibility or veracity of another witness. This ruling does not prohibit the parties' respective expert witnesses from discussing fact witness testimony they have reviewed in forming their opinions in this case, and (for example) commenting on how they reconciled conflicting testimony for purposes of their opinion, what significance they attributed to certain testimony in

reaching their opinions, and/or how they resolved any inconsistencies in the testimony in forming their opinions.

**IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA
CIRCUIT CIVIL DIVISION**

**IN RE: *ENGLE* PROGENY CASES
TOBACCO LITIGATION,**

**CASE NO.: 08-CA-80000
DIVISION: Y**

***Pertains to:* All Cases**

**ORDER ON PLAINTIFFS' MOTION FOR
PROTECTION FROM UNREASONABLE INVESTIGATIVE METHODS**

THIS MATTER came before the Court at an *en banc* hearing on May 1-2, 2018, on Plaintiffs' Motion for Protection from Unreasonable Investigative Methods. On October 12, 2017, October 16, 2017, October 19, 2017, and November 20, 2017, Judge Russell L. Healey, Circuit Court Judge for Duval County, entered numerous pretrial "All Cases" orders, to be applicable in all pending *Engle* Progeny cases in Duval County. This Court, having presented to the parties the possibility of adopting the Duval County orders in this Circuit, allowed for written submissions and oral argument of the parties on such proposal. At the *en banc* hearing, the parties agreed to entry of this Order while preserving previous objections. The Court having considered argument of counsel and being fully advised in the premises, it is hereby **ORDERED** and **ADJUDGED** that:

Plaintiffs' Motion for Protection from Unreasonable Investigative Methods is **DENIED**.

**IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA
CIRCUIT CIVIL DIVISION**

**IN RE: ENGLE PROGENY CASES
TOBACCO LITIGATION,**

**CASE NO.: 08-CA-80000
DIVISION: Y**

***Pertains to:* All Cases**

**ORDER ON R.J. REYNOLDS TOBACCO CO.'S "ALL CASES"
MOTION TO SUBSTITUTE FOR LORILLARD TOBACCO COMPANY**

THIS MATTER came before the Court at an *en banc* hearing on May 1-2, 2018, on R.J. Reynolds Tobacco Co.'s "All Cases" Motion to Substitute for Lorillard Tobacco Company. On October 12, 2017, October 16, 2017, October 19, 2017, and November 20, 2017, Judge Russell L. Healey, Circuit Court Judge for Duval County, entered numerous pretrial "All Cases" orders, to be applicable in all pending *Engle* Progeny cases in Duval County. This Court, having presented to the parties the possibility of adopting the Duval County orders in this Circuit, allowed for written submissions and oral argument of the parties on such proposal. At the *en banc* hearing, the parties agreed to entry of this Order while preserving previous objections. The Court having considered argument of counsel and being fully advised in the premises, it is hereby **ORDERED** and **ADJUDGED** that R.J. Reynolds Tobacco Co.'s "All Cases" Motion To Substitute For Lorillard Tobacco Company is **GRANTED**. The parties shall work with the Clerk of Court on how to effectuate this substitution in each individual case.

**IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA
CIRCUIT CIVIL DIVISION**

**IN RE: ENGLE PROGENY CASES
TOBACCO LITIGATION,**

**CASE NO.: 08-CA-80000
DIVISION: Y**

Pertains to: All Cases

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ORDER REGARDING LAY OPINION OF ADDICTION

THIS MATTER came before the Court at an *en banc* hearing on May 1-2, 2018, on Order Regarding Lay Opinion of Addiction. On October 12, 2017, October 16, 2017, October 19, 2017, and November 20, 2017, Judge Russell L. Healey, Circuit Court Judge for Duval County, entered numerous pretrial “All Cases” orders, to be applicable in all pending *Engle* Progeny cases in Duval County. This Court, having presented to the parties the possibility of adopting the Duval County orders in this Circuit, allowed for written submissions and oral argument of the parties on such proposal. In light of the parties’ submissions, the argument presented at the *en banc* hearing, and being fully advised in the premises, it hereby **ORDERED** and **ADJUDGED** that:

1. Plaintiff’s Motion Regarding Admissibility of Lay Opinion Testimony on Addiction is **GRANTED**. Defendants’ Omnibus Motion for Additional All-Cases Orders Section VI titled Lay Witness Opinions on Addiction is **DENIED**.

2. This Order supersedes prior Orders of this Circuit Court which addresses the admissibility of the matters that are the subject of this Order.

**IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA
CIRCUIT CIVIL DIVISION**

**IN RE: ENGLE PROGENY CASES
TOBACCO LITIGATION,**

**CASE NO.: 08-CA-80000
DIVISION: Y**

Pertains to: All Cases

**ORDER ON DEFENDANTS' MOTION TO EXCLUDE
REFERENCES TO THE BRITISH AMERICAN TOBACCO COMPANY ACQUISITION**

THIS MATTER came before the Court at an *en banc* hearing on May 1-2, 2018, on Defendants' Motion to Exclude References to the British American Tobacco Company Acquisition. On October 12, 2017, October 16, 2017, October 19, 2017 and November 20, 2017, Judge Russell L. Healey, Circuit Court Judge for Duval County, entered numerous pretrial "All Cases" orders, to be applicable in all pending *Engle* Progeny cases in Duval County. This Court, having presented to the parties the possibility of adopting the Duval County orders in this Circuit, allowed for written submissions and oral argument of the parties on such proposal. In light of the parties' submissions, the argument presented at the *en banc* hearing, and being fully advised in the premises, it is hereby **ORDERED** and **ADJUDGED** that Defendants' Motion to Exclude References to the British American Tobacco Company Acquisition is **GRANTED**, except to the extent that, in the Phase 2 portion of any *Engle* progeny trial, Plaintiffs may introduce evidence about the acquisition as part of an expert opinion concerning the financial resources of the Defendant.

**IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA
CIRCUIT CIVIL DIVISION**

**IN RE: ENGLE PROGENY CASES
TOBACCO LITIGATION,**

**CASE NO.: 08-CA-80000
DIVISION: Y**

Pertains to: All Cases

**ORDER ON ISSUES OF DISPARAGEMENT, THE FAILURE TO "TAKE
RESPONSIBILITY" OR "APOLOGIZE" AND RELATED IMPROPER ARGUMENTS**

THIS MATTER came before the Court at an *en banc* hearing on May 1-2, 2018, on Order on Issues of Disparagement, the Failure to "Take Responsibility" or "Apologize" and Related Improper Arguments. On October 12, 2017, October 16, 2017, October 19, 2017, and November 20, 2017, Judge Russell L. Healey, Circuit Court Judge for Duval County, entered numerous pretrial "All Cases" orders, to be applicable in all pending *Engle* Progeny cases in Duval County. This Court, having presented to the parties the possibility of adopting the Duval County orders in this Circuit, allowed for written submissions and oral argument of the parties on such proposal. In light of the parties' submissions, the argument presented at the *en banc* hearing, and being fully advised in the premises, it is hereby **ORDERED** and **ADJUDGED** that:

1. Defendants' Omnibus Motion for Additional All-Cases Orders, Section VII, entitled Improper Argument or Comment Disparaging Defendants for Defending Themselves in Litigation or Referring to Their Supposed Failure to "Take Responsibility" or "Apologize" to Plaintiffs is **GRANTED IN PART** and **DENIED IN PART** as set forth below.

2. Plaintiffs' Response and Cross-Motion for Relief to Section VII of Defendants' Omnibus Motion to Prevent Improper Argument or Comment Disparaging Defendants for Defending Themselves in Litigation is **GRANTED IN PART** and **DENIED IN PART** as set

forth below.

3. The parties shall be governed by the following principles in their *Engle* progeny trials:

- a. **Disparagement of Opposing Counsel.** No party shall introduce evidence of, allude to, or insinuate that opposing trial counsel is perpetrating a fraud on the jury or is acting unethically in any phase of the trial. If a party has concerns regarding opposing counsel's conduct in the case, the matter shall be brought up with the Court outside the presence of the jury. Evidence of the historical involvement of legal counsel in Defendants' conspiracy is admissible, but the law firm's name must be redacted to "legal counsel" in any document any party seeks to put into evidence.
- b. **Disparagement of an Opposing Party's Position in Litigation.** In Phases 1 and 2 (of a bifurcated punitive damages trial) opening statements, the parties may address and comment on the opponent's positions on contested issues at trial. In closing arguments, the parties may compare the opponent's position on contested issues to the evidence presented at trial. And, in closing arguments, it is proper trial advocacy for a party to argue that the jury should find against the opponent's positions based upon the law and the evidence presented. However, a party cannot argue or insinuate that liability should be determined for or against the opponent because of its positions taken on an issue, or for the party's failure or refusal to accept or acknowledge responsibility at trial on a contested issue. Specifically, Plaintiffs' counsel are precluded from presenting any argument, comments, or innuendo in the jury's presence suggesting that Defendants should be held liable or punished for defending themselves in this litigation, or for failing to "apologize" or "take responsibility" in this litigation for Plaintiffs' or

Decedents' injuries and/or death. Plaintiffs' counsel is further precluded from arguing or insinuating that Defendant's trial counsel is involved in a conspiracy to conceal information regarding the dangers of smoking.

- c. **Defendants' Public Denials and Historical Refusal to Acknowledge Hazards of Their Products.** In Phases 1 and 2 (of a bifurcated punitive damages trial) Plaintiffs may introduce evidence of and argue that Defendants publicly denied responsibility on issues such as smoking and health, and addiction, and that Defendants publicly failed to acknowledge the hazards of their products, consistent with the holdings of *Cohen v. Philip Morris USA, Inc.*, 203 So. 3d 942, 948 (Fla. 4th DCA 2016). However, in Phase 1, Plaintiffs must be clear, when arguing to the jury that it should consider evidence of Defendants' denials of responsibility and their failure to acknowledge the hazards of their products for issues of comparative negligence, reliance or entitlement to punitive damages that they are referring to Defendants' historical and public positions and not their position at trial.
- d. **Defendants' Failure to Acknowledge Wrongfulness of Conduct in Phase 2.** Plaintiff is prohibited from making any argument that Defendant has failed to apologize or accept responsibility in any way that would denigrate Defendant's right to contest the facts of their case at trial. Consistent with subsection (c) above, Plaintiff is permitted to comment on the historical wrongdoing and denial of the Defendant tobacco companies with regard to their knowledge of the harmfulness of their product. Plaintiff is not permitted to imply or suggest that said history of denial extended into the current litigation.

**IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA
CIRCUIT CIVIL DIVISION**

**IN RE: ENGLE PROGENY CASES
TOBACCO LITIGATION,**

**CASE NO.: 08-CA-80000
DIVISION: Y**

Pertains to: All Cases

**ALL CASES ORDER ON PLAINTIFFS' MOTION *IN LIMINE* TO PRECLUDE
IMPROPER EVIDENCE AND ARGUMENT REGARDING PUNITIVE DAMAGES**

THIS MATTER came before the Court at an *en banc* hearing on May 1-2, 2018, on All Cases Order on Plaintiffs' Motion *in Limine* to Preclude Improper Evidence and Argument Regarding Punitive Damages. On October 12, 2017, October 16, 2017, October 19, 2017, and November 20, 2017, Judge Russell L. Healey, Circuit Court Judge for Duval County, entered numerous pretrial "All Cases" orders, to be applicable in all pending *Engle* Progeny cases in Duval County. This Court, having presented to the parties the possibility of adopting the Duval County orders in this Circuit, allowed for written submissions and oral argument of the parties on such proposal. In light of the parties' submissions, the argument presented at the *en banc* hearing, and being fully advised in the premises, it is hereby **ORDERED** and **ADJUDGED** that:

1. Plaintiffs' Motion In Limine To Preclude Improper Evidence And Argument Regarding Punitive Damages is **GRANTED IN PART** in that Defendants may not argue to the jury that: (a) the jury should answer the verdict form question on entitlement to punitive damages in the negative so that it can "go home;" (b) the jury should not award punitive damages because plaintiff has already been fully compensated; (c) the jury should not award punitive damages because the individuals involved in the alleged wrongful conduct are no longer employed by the companies; or

(d) the amount of punitive damages should be reduced because of the number of other *Engle* progeny actions. However, the parties may reference the facts that (a) there is not a second phase if the jury answers the punitive entitlement question in the negative, (b) punitive damages are separate from and in addition to compensatory damages, and (c) the jury is not required to award punitive damages.

2. The Motion is also **GRANTED IN PART** as to Phase II regarding references to and evidence of prior damages awards. Specifically, Defendants must limit evidence and argument to the amount of punitive damages actually paid (as opposed to pending judgments) and possible future judgment by Defendants in other cases.

**IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA
CIRCUIT CIVIL DIVISION**

**IN RE: ENGLE PROGENY CASES
TOBACCO LITIGATION,**

**CASE NO.: 08-CA-80000
DIVISION: Y**

***Pertains to:* All Cases**

**ORDER ON DEFENDANTS' "ALL CASES"
MOTION *IN LIMINE* TO EXCLUDE "DEATH IN THE WEST"
FROM EVIDENCE AND TO PRECLUDE REFERENCE TO THE FILM**

THIS MATTER came before the Court at an *en banc* hearing on May 1-2, 2018, on Defendants' "All Cases" Motion *in Limine* to Exclude "Death in the West" from Evidence and to Preclude Reference to the Film. On October 12, 2017, October 16, 2017, October 19, 2017, and November 20, 2017, Judge Russell L. Healey, Circuit Court Judge for Duval County, entered numerous pretrial "All Cases" orders, to be applicable in all pending *Engle* Progeny cases in Duval County. This Court, having presented to the parties the possibility of adopting the Duval County orders in this Circuit, allowed for written submissions and oral argument of the parties on such proposal. In light of the parties' submissions, the argument presented at the *en banc* hearing, and being fully advised in the premises, it is hereby **ORDERED** and **ADJUDGED** that:

Defendants' "All Cases" Motion *in Limine* To Exclude "Death In The West" From Evidence And To Preclude Reference To The Film is **GRANTED**. All portions of the film and interviews of corporate executives are excluded.

**IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA
CIRCUIT CIVIL DIVISION**

**IN RE: ENGLE PROGENY CASES
TOBACCO LITIGATION,**

**CASE NO.: 08-CA-80000
DIVISION: Y**

Pertains to: All Cases

**ORDER ON PLAINTIFFS' MOTION IN LIMINE TO PRECLUDE DEFENDANTS
FROM MISSTATING THE CLASS MEMBERSHIP AND CAUSATION ISSUES**

THIS MATTER came before the Court at an *en banc* hearing on May 1-2, 2018, on Plaintiffs' Motion in Limine to Preclude Defendants from Misstating the Class Membership and Causation Issues. On October 12, 2017, October 16, 2017, October 19, 2017, and November 20, 2017, Judge Russell L. Healey, Circuit Court Judge for Duval County, entered numerous pretrial "All Cases" orders, to be applicable in all pending *Engle* Progeny cases in Duval County. This Court, having presented to the parties the possibility of adopting the Duval County orders in this Circuit, allowed for written submissions and oral argument of the parties on such proposal. At the *en banc* hearing, the parties agreed to entry of this Order while preserving previous objections.

Plaintiffs seek to preclude Defendants from making three arguments regarding causation that Plaintiffs identify as improper:

(1) that the Plaintiff must prove that specific examples of Defendants' misconduct were the legal cause of the injury (Defendants' "nexus" arguments, which also has been the subject of one of Defendants' routine motions in limine); (2) that the plaintiff is not a member of the class because the cause of his or her disease was his or her "personal choice" to smoke, even if the smoker was addicted to cigarettes containing nicotine; and (3) the related argument that neither addiction nor their misconduct was a legal cause of the injury because the smoker could have quit smoking.

(Mot. at 2.) Plaintiffs assert that the third argument "has been made both regarding class membership and legal causation generally." (*Id.*)

As to the first argument, Plaintiffs are correct that proof of class membership, in combination with the *Engle*² Phase I common liability findings, establishes legal causation for their negligence and strict liability claims, so that they need not prove specific negligent conduct by Defendants, or any specific defect in cigarettes caused the injuries or loss at issue. *See Phillip Morris USA, Inc. v. Douglas*, 110 So. 3d 419, 429-30 (Fla. 2013). “The common issues, which the [Engle Phase I] jury decided *in favor of the class*, were the ‘conduct’ elements of the claims asserted by the class, and not simply, as characterized by the Eleventh Circuit, a collection of facts *relevant* to those elements.” *R.J. Reynolds Tobacco Co. v. Martin*, 53 So. 3d 1060, 1067 (Fla. 1st DCA 2010). In their response, Defendants acknowledge the binding effect of *Douglas* and recite that they “do not intend to argue that, to succeed on their *non-intentional* tort claims, Plaintiffs must prove that specific conduct by Defendants was a legal cause of Decedent’s alleged injuries.” (Defs.’ Response at 4.)

As to the first argument applied to the intentional tort claims for fraudulent concealment (and conspiracy), the *Engle* Phase I findings are the “conduct” elements; however, Plaintiffs must prove detrimental reliance on a misapprehension concerning a material fact that Defendants (or, for the conspiracy, other members of the conspiracy) concealed from him. *See Phillip Morris USA, Inc. v. Duignan*, 42 Fla. L. Weekly D2426c (Fla. 2d DCA Nov. 15, 2017); *Lorillard v. Alexander*, 123 So. 3d 67, 80 (Fla. 3d DCA 2013). However, in *Martin*, the First District held that, in the absence of direct evidence that the smoker relied on the tobacco companies’ information omitting scientific findings on the harmful effects of smoking, the reliance element of the fraudulent concealment claim was established by “abundant evidence” in the record from which the jury could have inferred the smoker’s reliance on “pervasive misleading advertising campaigns . . . and

² *Engle v. Liggett Group, Inc.*, 945 So. 2d 1246 (Fla. 2006).

on the false controversy created by the tobacco industry during the years he smoked aimed at creating doubt among smokers that cigarettes were hazardous to health.” *Id.* at 1069. Although the Phase I common liability findings establish the conduct elements of causes of action brought by members of the *Engle* class, and although Plaintiffs may rely on reasonable inferences to establish the reliance element of their fraud and conspiracy claims, each party may make argument to the jury based on the evidence, or lack of evidence, adduced in each individual action.

As to the second argument, none of the parties disputes that, “to gain the benefit of the Phase I findings in the first instance, individual plaintiffs must prove membership in the *Engle* class.” *Douglas*, 110 So. 3d at 431. The *Douglas* court explained further: “As in this case, proving class membership often hinges on the contested issue of whether the plaintiff smoked cigarettes because of addiction or for some other reason (like the reasons of stress relief, enjoyment of cigarettes, and weight control argued below).” *Id.* at 431-32. Therefore, Plaintiffs are incorrect when they assert that it is improper for Defendants to argue that a smoker is not a member of the class because his or her disease was caused by his or her “personal choice” to smoke. . . .” (Mot. at 2.) Defendants may argue that a Plaintiff or Decedent smoked for reasons other than addiction, may argue that a Plaintiff or Decedent was not addicted to cigarettes containing nicotine, and may argue that addiction did not substantially contribute to Plaintiff’s continuing to smoke, if factual support for such arguments exists in the evidence adduced in an individual case.

Defendants may not argue that Plaintiffs must prove that addiction must be the only cause of injury or loss. Beyond the conclusions stated above, this Court is unable to craft an all-cases Order on the third issue raised in the instant Motion that it believes would be durable and would provide useful guidance in individual trials going forward. This is due in part to the lack of legal definition of addiction, to continuing developments in *Engle* progeny case law which defy the

notion of a static, unchanging conceptualization of the interplay among addiction, other potential causes of disease, and a given smoker's success or lack of success at quitting smoking.

The Court having considered argument of counsel and being fully advised in the premises, it is hereby **ORDERED** and **ADJUDGED** that:

1. Plaintiffs' Motion in Limine to Preclude Defendants from Misstating the Class Membership and Causation Issues is **GRANTED** as stated above, to the extent that Defendants may not argue that a Plaintiff must prove that specific examples of a Defendant's misconduct were the legal cause of the injury.

2. Plaintiffs' Motion in Limine to Preclude Defendants from Misstating the Class Membership and Causation Issues is **DENIED** as stated above, to the extent that Defendants may argue (a) that a Plaintiff is not a member of the *Engle* class because his or her disease was caused by his or her personal choice to smoke, (b) that a Plaintiff or Decedent smoked for reasons other than addiction, (c) that a Plaintiff or Decedent was not addicted to cigarettes containing nicotine, and (d) that addiction did not substantially contribute to a Plaintiff's or Decedent's continuing to smoke, if factual support for such arguments exists in the evidence adduced in an individual case.

3. Further rulings on Plaintiffs' Motion in Limine to Preclude Defendants from Misstating the Class Membership and Causation Issues regarding that neither addiction nor intentional misconduct was a legal cause of injury because the smoker could have quit smoking is **DEFERRED** to individual cases in all other respects.

**IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA
CIRCUIT CIVIL DIVISION**

**IN RE: ENGLE PROGENY CASES
TOBACCO LITIGATION,**

**CASE NO.: 08-CA-80000
DIVISION: Y**

***Pertains to:* All Cases**

**ORDER ON DEFENDANTS' OMNIBUS MOTION IN LIMINE FOR ADDITIONAL
ALL-CASES ORDERS, SECTION V., ENTITLED, "THE RELATIONSHIP BETWEEN
QUITTING SMOKING AND ADDICTION TO SMOKING"**

THIS MATTER came before the Court at an *en banc* hearing on May 1-2, 2018, on Defendants' Omnibus Motion for Additional All-Cases Orders, Section V., entitled, "The Relationship Between Quitting Smoking and Addiction to Smoking." On October 12, 2017, October 16, 2017, October 19, 2017, and November 20, 2017, Judge Russell L. Healey, Circuit Court Judge for Duval County, entered numerous pretrial "All Cases" orders, to be applicable in all pending *Engle* Progeny cases in Duval County. This Court, having presented to the parties the possibility of adopting the Duval County orders in this Circuit, allowed for written submissions and oral argument of the parties on such proposal. In light of the parties' submissions, the argument presented at the *en banc* hearing, and being fully advised in the premises, it is hereby **ORDERED** and **ADJUDGED** that:

Ruling on Defendants' Omnibus Motion for Additional All-Cases Orders, Section V., entitled, "The Relationship Between Quitting Smoking and Addiction to Smoking," is **DEFERRED** to individual cases.

**IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA
CIRCUIT CIVIL DIVISION**

**IN RE: ENGLE PROGENY CASES
TOBACCO LITIGATION,**

**CASE NO.: 08-CA-80000
DIVISION: Y**

Pertains to: All Cases

_____ /

**ORDER CLARIFYING ROLE OF ALL-CASES ORDERS,
PROVIDING FOR INDIVIDUAL APPEAL OF THE ALL TRIALS ORDERS
AND
PROVIDING NOTICE TO COUNSEL OF THE POSSIBILITY OF SANCTIONS**

THIS MATTER came before the Court at an *en banc* hearing of the Circuit Judges of the Civil Division of the Thirteenth Judicial Circuit on May 1 and 2, 2018. This Court, having presented to the parties the possibility of adopting the in Orders in Limine, allowed for written submissions and oral argument of the parties on such proposals. The Court having considered argument of counsel and being fully advised in the premises, it is hereby **ORDERED** and **ADJUDGED** that:

This Court has, after notice and opportunity to be heard, entered numerous Orders which apply to all *Engle* progeny cases pending in the Thirteenth Judicial Circuit, with the intent and purpose of streamlining pretrial motion practice, charge conferences, and other aspects of these cases which have broad application. It has been and remains the intention of this Court that all-cases rulings not be re-litigated in every case, but that instead, parties' positions on all-cases have been preserved by their motions, proposals, memoranda and argument. To that end, a set of all-cases Orders entered _____ provided, in relevant part:

This order shall be considered a ruling in each individual case and the parties shall not have to renew or re-file the Motion in any individual case. In the event one of the parties wishes to appeal the ruling in this Order they may do so in an individual

case by directing the Clerk of the Court to include this Order in the record on appeal in any appealed case.

This Order shall be considered a ruling in each individual case and the parties shall not have to renew and are precluded from refiling the Motion in any individual case, except to the extent permitted by Order or Counsel in good faith files a motion for reconsideration based on subsequent authority. In the event one of the parties wishes to appeal the ruling in this Order they may do so in an individual case by directing the Clerk of the Court to include this Order in the record on appeal in any appealed case.

In order to provide for continuity and preserve the Courts' time, it is therefore **ORDERED** and **ADJUDGED** that:

1. No party shall file a motion, the substance of which is subject to an Order of this Court identified in its caption as pertaining to all cases, no matter when or by whom entered, except to the extent permitted by Order of this Court or counsel in good faith files a motion for reconsideration based on subsequent authority.

2. Any attorney who files a motion in an individual case in violation of the letter or spirit of this Order, or previous all-cases Orders, may be ordered to appear and show cause why he or she should not be subject to sanctions.