



2005

Jan. 11,

**Lincoln Smith, individually and as  
Plaintiff ad litem for Barbara Smith, et al**

Plaintiffs

v.

**Brown & Williamson Tobacco Corporation**

Defendant

**Circuit Court of Jackson County, Missouri at Independence**

**Case No. 03-CV-212922**

## **BACKGROUND**

### **PURPOSE**

This backgrounder has been prepared by R.J. Reynolds Tobacco Company to provide a concise reference document on this individual smoking and health case. It is not a court document.

### **THE PLAINTIFFS**

The Plaintiffs are the surviving husband and children of Barbara Smith. The plaintiffs allege that Ms. Smith, who was born in 1927, smoked Kool

cigarettes for 47 years, from 1943 until 1990. Ms. Smith was 73 years old when she died of a heart attack on May 25, 2000, 10 years after she quit smoking. The Plaintiffs claim that cigarette smoking caused her death and are seeking unspecified compensatory and punitive damages.

The plaintiffs are represented by Kenneth McClain of the Independence, Mo. law firm of Humphrey, Farrington, and McClain.

## **THE DEFENDANTS**

### **Brown & Williamson Tobacco Corporation**

Brown & Williamson Tobacco Corporation (B&W), formerly based in Louisville, Ky., manufactures the Kool, Pall Mall, GPC, Carlton, Lucky Strike and Misty cigarette brands.

As of July 31, 2004, B&W's domestic tobacco business merged with R.J. Reynolds Tobacco Company, a New Jersey corporation, to form R.J. Reynolds Tobacco Company, a North Carolina corporation. R.J. Reynolds is a wholly-owned subsidiary of Reynolds American Inc., and is headquartered in Winston-Salem, North Carolina. It is the nation's second-largest manufacturer of cigarettes. Its brands include those of the former B&W as well as Winston, Salem, Camel and Doral.

Brown & Williamson is represented by Andrew R. McGaan of Kirkland & Ellis, L.L.P. based in Chicago, Ill., and Casey Housley of Armstrong Teasdale, L.L.P.

## **TRIAL SITE**

The case is being tried in the Circuit Court of Jackson County, Mo., at Independence, Division 11.

## **JUDGE**

Honorable Marco Roldan is the trial judge.

## **EXPECTED DURATION**

Jury selection will begin on Jan. 11, 2005. The parties expect the trial to last three weeks.

## **JURY AND VERDICT**

The jury will consist of 12 jurors. A verdict is reached when nine of the 12 jurors agree on a decision.

## **PLAINTIFFS' CASE**

This is a wrongful death case. The plaintiffs make a variety of claims, including that: 1) Ms. Smith's death was caused by the allegedly defective design of Kool cigarettes; 2) B&W allegedly failed to warn Ms. Smith of the risks of smoking; 3) B&W allegedly withheld research; and 4) B&W allegedly conspired with unnamed companies.

The plaintiffs seek an unspecified amount in compensatory and punitive damages.

## **DEFENDANT'S CASE**

Brown & Williamson denies the plaintiffs' claims and at trial will show that the plaintiffs cannot prove them.

The company will present medical evidence it believes shows that cigarette smoking was not the cause of Ms. Smith's death. Instead, during the last 10 years of her life she suffered from all the major risk factors for heart disease and death by heart attack, except smoking.

With respect to the claims of defective product design, the defendants will show that the cigarettes they manufacture conform, and always have conformed, to the available technology and the medical and scientific states-of-the-art.

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