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Supreme Court Refuses to Consider Philip Morris' Appeal of \$10.5 Million Award to Former Smoker.

Business Wire March 22, 2005

SAN FRANCISCO -- On Monday, March 21, 2005, the United States Supreme Court declined to consider Philip Morris' appeal of a \$10.5 million judgment against it by a former smoker with lung cancer.

The justices let stand a lower court ruling upholding the award to Patricia Henley of Glendale, California. The case marks the first time a punitive damage award against any cigarette company has been upheld by the high court and is the first time that Philip Morris will have to pay a judgment.

Ms. Henley, who smoked Marlboro cigarettes for 35 years, started when she was 15, before any warnings. She was diagnosed with lung cancer in 1998 and after undergoing chemotherapy and radiation, she is presently in remission. She sued Philip Morris accusing the tobacco company of engaging in a 50 year campaign to promote cigarettes to teenagers while denying and misrepresenting the true hazards of addiction and disease as well as fraudulently marketing light cigarettes as "safer," although the company knew they were not any safer than regular cigarettes.

In 1999, a San Francisco jury awarded Henley \$51.5 million, which was later reduced by the trial judge to \$26.5 million. The verdict was the first against a tobacco company under a 1998 California law that repealed the tobacco industry's immunity and allowed individuals to sue for smoking-related injuries.

In 2003, a state appeals court reduced the award to \$10.5 million after a ruling by the US Supreme Court that limited the amount of punitive damages that could be recovered in lawsuits.

Despite the reduction in damages, Philip Morris, a subsidiary of NY based Altria Group Inc., argued that the award was still excessive, but the California Supreme Court rejected that appeal last September.

Of the \$10.5 million awarded, \$9 million represents the punitive damages aimed at punishing Philip Morris for the 50 year campaign of deception.

"This is a good day for the children," said Ms. Henley, whose nonprofit Patricia Henley Foundation will be the beneficiary of the punitive damages. The Foundation aims to educate youth about the hazards of smoking and help children suffering with cancer, asthma and other diseases caused by smoking. "This money will allow us to continue the fight against the number one killer in this country."

"Ms. Henley's brave fight to hold tobacco giant Philip Morris responsible for the harm it has caused is finally over after 7 years. A lot has happened in those 7 years, but justice has finally prevailed," said her trial attorney Madelyn J. Chaber, formerly with the Wartnick Law Firm. "This is a victory for the Public Health Community and all those people injured by tobacco related diseases."

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