

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

TRIAL COURT DEPARTMENT  
MIDDLESEX SUPERIOR COURT  
DOCKET NO. 15-5255

JOANNA M. SUMMERLIN,  
Individually and as Executor of the  
Estate of LOUIS E. SUMMERLIN,

Plaintiff,

v.

PHILIP MORRIS USA INC.  
RJ REYNOLDS TOBACCO COMPANY  
HAMPDEN AUTOMOTIVE SALES  
CORPORATION,

Defendants.

**JURY VERDICT FORM**

**Breach Of Warranty**

1a. **As to each defendant listed below, did the defendant breach the implied warranty of merchantability by selling defectively designed cigarettes to Mr. Summerlin?**

R.J. Reynolds Tobacco Company	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Philip Morris USA Inc.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

*If you answered "No" for both defendants, please skip Question 1b.*

*If you answered "Yes" for one or both defendants, please answer Question 1b for that, or those, defendant(s).*

1b. **For any defendant whose product you found was defectively designed, was the design defect a substantial contributing factor in causing Mr. Summerlin's lung cancer and death?**

R.J. Reynolds Tobacco Company                      Yes  No

Philip Morris USA Inc.                                      Yes  No

2a. **Did R.J. Reynolds breach the implied warranty of merchantability by selling cigarettes prior to July 1, 1969 that were defective because of inadequate warnings?**

Yes  No

*If you answered "No" to Question 2a please skip Question 2b.*

2b. **If yes, was R.J. Reynolds' failure to warn prior to July 1, 1969 a substantial contributing factor in causing Mr. Summerlin's lung cancer and death?**

Yes  No

3a. **Did Hampden Automotive Sales Corporation breach the implied warranty of merchantability by selling brakes that were defective because of inadequate warnings?**

Yes  No

*If you answered "No" to Question 3a, please skip Question 3b.*

3b. **If yes, was Hampden Automotive Sales Corporation's failure to warn a substantial contributing factor in causing Mr. Summerlin's lung cancer and death?**

Yes  No

### Negligence

*If you answered "No" to Question 1a or 1b as to a defendant or defendants, please skip Question 4 for that defendant or defendants. If you answered "yes" to Question 1b for a defendant, please answer Question 4 for that defendant.*

4a. **Was the defendant negligent in its design of the cigarettes it manufactured and sold to Mr. Summerlin?**

R.J. Reynolds Tobacco Company      Yes  No

~~X~~ Philip Morris USA Inc.      Yes  No

*If you answered "No" for both defendants, please skip Question 4b.*

*If you answered "Yes" for one or both defendants, please answer Question 4b for that, or those, defendant(s).*

4b. **If yes, was the negligent design of the cigarettes a substantial contributing factor in causing Mr. Summerlin's lung cancer and death?**

R.J. Reynolds Tobacco Company      Yes  No

~~X~~ Philip Morris USA Inc.      Yes  No

If you answered "No" to Question 2a or 2b, please skip Question 5. If you answered "Yes" to question 2b, please answer question 6.

5a. Was R.J. Reynolds negligent by selling cigarettes to Mr. Summerlin, prior to July 1, 1969, that were defective because of inadequate warnings?

Yes  No

If you answered "No" to Question 5a please skip Question 5b.

5b. If yes, was that negligence a substantial contributing factor in causing Mr. Summerlin's lung cancer and death?

Yes  No

If you answered "No" to question 3a or 3b, please skip question 6. If you answered "Yes" to question 3b, please answer question 6.

~~6a.~~ Was Hampden Automotive Sales Corporation negligent by selling brakes between 1959 and 1964 that were defective because of inadequate warnings?

Yes  No

If you answered "No" to Question 6a please skip Question 6b.

~~6b.~~ If yes, was that negligence a substantial contributing factor in causing Mr. Summerlin's lung cancer and death?

Yes  No

## Fraudulent Misrepresentation

- 7a. **Prior to July 1, 1969, did R.J. Reynolds make a false statement concealing material facts about the dangers of smoking?**

Yes  No

*If you answered "No" to Question 7a, please skip to Question 8a. If you answered "Yes" to Question 7a, please answer Question 7b.*

- 7b. **If yes, was the statement and concealment of material facts made knowing it was false, misleading, or in reckless disregard to whether it was true or not?**

Yes  No

*If you answered "No" to Question 7b, please skip to Question 8a. If you answered "Yes" to Question 7b, please answer Question 7c.*

- 7c. **If yes, did R.J. Reynolds make the statement and concealment of material facts with the intent to induce Mr. Summerlin to rely on it?**

Yes  No

*If you answered "No" to Question 7c, please skip to Question 8a. If you answered "Yes" to Question 7c, please answer Question 7d.*

7d. **If yes, did Mr. Summerlin actually rely on R.J. Reynolds's statement and the concealment of material facts about the dangers of smoking?**

Yes  No

*If you answered "No" to Question 7d, please skip to Question 8a. If you answered "Yes" to Question 7d, please answer Question 7e.*

7e. **If yes, was Mr. Summerlin's reliance on R.J. Reynolds's statement and the concealment of material facts about the dangers of smoking reasonable?**

Yes  No

*If you answered "No" to Question 7e, please skip to Question 8a. If you answered "Yes" to Question 7e, please answer Question 7f.*

7f. **If yes, was Mr. Summerlin's reliance on R.J. Reynolds's statement and the concealment of material facts about the dangers of smoking a substantial contributing cause of his lung cancer and death?**

Yes  No

## Compensatory Damages

If you answered "Yes" to one or more of Questions 1b, 2b, 3b, 4b, 5b, 6b, or 7f for any defendant, please answer questions 8 and 9 for that defendant. Otherwise, please skip questions 8, 9, and 10, and sign and date the verdict slip.

8a. What is the amount of damages for conscious pain and suffering of Mr. Summerlin?

Amount in Words 5 million 300 thousand Dollars

Amount in Numbers \$ 5,300,000.00

8b. What is the amount of damages for Joanna Summerlin's loss of consortium from the time of Mr. Summerlin's lung cancer diagnosis to the time of his death?

Amount in Words 3 million 500 thousand Dollars

Amount in Numbers \$ 3,500,000.00

8c. What is the fair monetary value of Mr. Summerlin to each of his next of kin, including compensation for the loss – as a result of his death – of reasonably expected services, protection, care, assistance, society, companionship, comfort, guidance, counsel, and advice?

A. Joanna Summerlin

Amount in Words Two million 500 thousand Dollars

Amount in Numbers \$ 2,500,000.00

B. Christopher Summerlin

Amount in Words One million 8 hundred thousand Dollars

Amount in Numbers \$ 1,800,000.00

**Punitive Damages**

9a. **In committing the acts for which you found it liable, was the defendant grossly negligent?**

R.J. Reynolds Tobacco Company      Yes  No

~~X~~ Philip Morris USA Inc.      Yes  No

Hampden Automotive Sales Corporation      Yes  No

*If you answered "No" to Question 9a for all defendants, skip Question 9b.*

*If you answered "Yes" to Question 9a for one or more defendants, answer Question 9b only for that, or those, defendant(s).*



9b. Was the defendant's gross negligence a substantial contributing factor in causing Mr. Summerlin's lung cancer and death?

R.J. Reynolds Tobacco Company Yes  No

~~X~~ Philip Morris USA Inc. Yes  No

~~X~~ Hampden Automotive Sales Corporation Yes  No

9c. In committing the acts for which you found it liable, did the defendant act maliciously, willfully, wantonly, or recklessly?

R.J. Reynolds Tobacco Company Yes  No

~~X~~ Philip Morris USA Inc. Yes  No

Hampden Automotive Sales Corporation Yes  No

*If you answered "No" to Question 9c for all defendants, skip Question 9d.*

*If you answered "Yes" to Question 9c for one or more defendants, answer Question 9d only for that, or those, defendant(s).*

9d. Was the defendant's malicious, willful, wanton, or reckless conduct a substantial contributing factor in causing Mr. Summerlin's lung cancer and death?

R.J. Reynolds Tobacco Company Yes  No

~~X~~ Philip Morris USA Inc. Yes  No

~~X~~ Hampden Automotive Sales Corporation Yes  No

If you answered "Yes" to Question 9b or 9d for one or more defendants, please answer Question 10 for only that, or those, defendant(s).

10. What is the amount of punitive damages for which you find each defendant liable?

R.J. Reynolds Tobacco Company *Thirty million dollars*  
\$ 30,000,000.00

Philip Morris USA Inc. \$ 0

Hampden Automotive Sales Corporation \$ 0

Dated at Boston, Massachusetts, this 12<sup>th</sup> day of October, 2018.

*Orsawa Egmont*  
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FOREPERSON