

>> THE COURT WILL NOW TAKE UP THE CASE OF IT COAST VERSUS RJ REYNOLDS TOBACCO COMPANY COUNSEL.

>> GOOD MORNING CHIEF JUSTICE IN MAY PLEASE THE COURT AND JOHN MILLS ON BEHALF OF COATES AND FIVE YEARS AGO, THIS COURT UNANIMOUSLY UPHELD A \$30 MILLION PUNITIVE DAMAGE AWARD WHEN THIS DEFENDANTS MISCONDUCT KILLED JANE'S - IN THE DISTRICT COURT IN THIS CASE, HOWEVER REJECTED HALF OF THAT AMOUNT, AND CONVINCED ORATORY DAMAGES IN THAT CASE AND THEY WERE 10.5 MILLION, AND THAT IS THE REASON THAT THE DISTRICT COURT MADE ITS RULING, AND HE FOUND THAT IS NOT THE ACTUAL DOLLAR AMOUNT THAT IS EXCESSIVE HERE, IT IS A MATHEMATICAL RELATIONSHIP BETWEEN THE PUNITIVE COMPENSATORY AWARD AND IT WAS THREE - ONE AND HERE'S EITHER 50 - ONE OR 100 - ONE WITH YOUR BY THE RATIO BEFORE OR AFTER DEFAULT.

>> WHILE YOU'RE ON THAT, WHAT WOULD THE CLAIMS ON WHICH THE LIABILITY WAS FOUND.

>> THE CONDUCT WAS EXACTLY THE SAME AS HERE, THERE WAS A CLAIM FOR FRAUD BECAUSE SHE PROVED RELIANCE WE DID NOT PROVE RELIANCE ON A FALSE STATEMENT SO WE DO NOT HAVE A FRAUD CLAIM HERE, THIS IS PURELY STRICT LIABILITY BUT THE DEFENSE CONDUCT IS EXACTLY THE SAME AND THE ONLY DIFFERENCE IS WHETHER WE PROVED RELIANCE, AND THE ONLY IMPACT OF THAT IS WHETHER THERE IS A COMPARATIVE FAULT REDUCTION IN THE CERTIFIED QUESTION, DOES NOT ADDRESS THAT IS ALL COMING UP RESUMES IS THE SAME CONDUCT IN THE CERTIFIED QUESTION NOBODY IS ASKED TO EXPAND THAT QUESTION, JURISDICTION AND SAID THEY SAID KEEP IT TO THE CERTIFIED QUESTION. I THEN ASKED WHAT'S THE MAXIMUM

PERMISSIBLE AMOUNT OF PUNITIVE DAMAGES DEPENDS IF THE END OF THE DAY, ON THE AMOUNT OF THE DOLLAR AMOUNT OF COMPENSATORY AWARDS AND IS QUESTION IS LIMITED TO WRONGFUL DEATH ACTIONS MODEST COMPENSATORY AWARDS IN SITUATIONS LIKE IS A GREAT CASES WHERE WE ALREADY HAVE OTHER AWARDS THAT HAVE BEEN SUSTAINED THE SAME CONDUCT IN SIMILAR INJURIES AND THE COURT SHOULD ANSWER THE QUESTION IN THE NEGATIVE, BECAUSE THE APPLICABLE VERSION OF THE FLORIDA STATUTE IN THE GOVERNORS MATHEMATICAL DOLLAR TO DOLLAR RATIO, PROVIDES THERE IS NO RATIO CAP UNDER THESE FACTS AND UNDER BOTH THE OTHER APPLICABLE FLORIDA STATUTE FOR REVIEW PUNITIVE DAMAGES IN THE DUE PROCESS CLAUSE OF THE 14TH AMENDMENT, THIS AWARD IS NOT EXCESSIVE COMPARED TO THE INJURY THAT WAS INFLICTED WHICH IS THE DEATH OF A HUMAN BEING AND THAT IS THE MOST SERIOUS INJURY THAT CAN BE INFLICTED UPON A PERSON. SO THE APPLICABLE FLORIDA STATUTE WHICH GOVERNS THE DOLLAR TO DOLLAR RATIO IS 768.73, AND THAT WAS AMENDED IN 1999, AS THIS COURT HELD IN CHECK TILL RECENTLY, AND WRONGFUL DEATH ACTION IT DEPENDS UPON WHETHER THE SMOKER DIED, AND HE DIED IN 1998 C, AND SO WERE THE PRE- 99 VERSION AND THAT VERSION PROVIDES FOR A PRESUMPTIVE CAP, THAT IS A DOLLARS \$2 CAP, A THREE - ONE, AND WE EXCEED THAT CAP. THE PRESUMPTION DOES NOT APPLY IF WE PROVE BY CLEAR AND CONVINCING EVIDENCE, THAT THE AWARD IS SUPPORTED BY THE EVIDENCE IN THIS CASE AND TRIAL COURT AND INDUSTRY COURSE AGREED THAT WE SATISFIED THAT COME THAT WAS SATISFIED IN MANY OTHER CASES THAT INVOLVE AND PROVED AND THAT IS NOT BEEN CHALLENGED. SO WE DON'T HAVE AN ISSUE

HUNDRED 768.73, AND I WOULD NOTE HOWEVER, THAT GOING FORWARD, IN ANY CASE WAS NOBODY DIED AFTER 1999, THAT IS GOING TO APPLY AND SO THAT STATUTE DOES NOT APPLY HERE BUT THE AMENDED STATUTE WOULD LIMITED HAS THE SAME EXCEPTION FOR THREE TIMES CAP GIVES YOU UP TO A FOUR TIMES CAP, BUT EVEN THEN, IT IS NOT APPEAR DOLLAR TO DOLLAR RATIO. BECAUSE IS THE GREATER OF FOUR TIMES OR \$2 MILLION SO IF THAT APPLY HERE, WE WOULD STILL BE WAY OVER FOUR TIMES, WE WOULD JUST BE CAPPED AT \$2 MILLION SO THAT'S WHAT'S GOING TO APPLY IT IN MOST CASES GOING FORWARD WE SAW SOME CASES WITH PRE- 99 YES, IT IS A ANGLE CASE WITH MOST CASES WILL BE SUBJECT TO THAT.

>> COUNSEL, INCIDENT AT THE END OF THE DAY WHEN YOU READ ALL OF THESE CASES, HE SEEMS LIKE THERE IS A CORE CONCEPT THAT HAS TO BE A REASONABLE RELATIONSHIP BETWEEN THE PUNITIVE DAMAGES AND THE INJURY WAS FOUND AS MANIFEST IN THE COMPENSATORY DAMAGES AND THAT COURSE WHETHER THEY TALKED ABOUT EVERYONE ACKNOWLEDGES THAT IN THE ABSENCE OF THE STATUE, THE CRATES AND HEART, THAT THERE ISN'T IT HARD CAP, THE JUDGES COULD MAKE UP BUT YOU KNOW, THE RECURRING THEME IS THAT ONE - ONE, CAN BE ACCEPTABLE AND SOMETIMES REQUIRED IT TO THIS ONE, THREE - ONE, FOUR - 20 START TO GET IN THE HIGH SIDE, I MEAN, THERE'S JUST NOTHING THAT I HAVE SEEN THOSE ADJUST THAT WHEN YOU ARE TALKING ABOUT 100 - ONE OR IF HE - ONE, THAT YOU ARE EVEN WITHIN THE BALLPARK OF ANYTHING THAT COULD BE CONSIDERED ACCEPTABLE.

>> WHERE I WOULD RESPECTIVELY SAY THAT YOU MADE A MISTAKE AS WE SAY THE LAW REQUIRES COMPARING TO THE HARMS, AS MEASURED BY THE DAMAGES AND THERE IS TWO SOURCES OF LAW HERE, ONE STATE THAT ONE FEDERAL

AND OUR POSITION IS BOTH, DO NOT TIED TO THE AMOUNT OF DAMAGES, THEY TIED TO THE INJURY SUFFERED IN THE AMOUNT OF DAMAGES IS A COMPONENT OF THE INJURY SUFFERED ABOUT IS NOTHING AND.

>> WILL THE SUPREME COURT, I'M SORRY BUT IT SEEMS LIKE THAT ONE OF THE CHALLENGES IN THIS AREA OBVIOUSLY IS YOU POINTED OUT IN YOUR BRIEFS ON THE DIFFICULTY OF SORT OF IT YOU KNOW MEASURING SOME OF THESE INTANGIBLES AND WHATEVER AND IT SEEMS LIKE THERE IS THIS KIND OF ANCHORING SETS WITH THE DAMAGES THAT YOU KNOW, THAT IS KIND OF GROUND EVERYTHING IN IT SORT OF SYSTEM PARAMETERS FROM WITHIN THAT HELP ALL OF THESE OTHER VARIABLES MIGHT COME INTO PLAY IN THE AMOUNT OF DAMAGES THAT ARE COMPENSATORY DAMAGES THAT ARE AWARDED IS JUST INESCAPABLE SORT OF KIND OF POINT.

>> WHAT IS A COMPONENT BUT LET ME GET TO THE SPECIFIC TESTS AND OUR ARGUMENT IS LARGELY THE SAME UNDER THE STATE HAS AND SOME 68.745, AND SEEING A GUIDEPOST TO DUE PROCESS CLAUSE OUR ARGUMENT IS LARGELY THE SAME, BEFORE HE DOVE RIGHT INTO IT, THERE IS ONE IMPORTANT DIFFERENCE, THE STANDARD OF REVIEW UNDER STATE LAW IS ABUSE OF DISCRETION UNDER THE CONSTITUTION THE NOVO SO THE QUESTION IS UNDER STATE LAW, WHETHER UNDER THE STATE STATUTE WHETHER THE TRIAL COURT ABUSED ITS DISCRETION IN FINDING DEATH IS A BIG INJURY AND THIS IS NOT EXCESSIVE COMPARED TO THAT AND WHEN WE GET TO THE FEDERAL IS MOVE BECAUSE THAT JUST DOES NOT MATTER WHAT THE DISTRICT COURT SAID OF THE TRIAL COURT SAID, HERE IS WHAT YOU THINK BUT STILL IMPORTANT THAT WHOEVER LOSES HER MATE SEEK REVIEW IN THE SUPREME COURT OF FLORIDA SO THAT I THINK IT'S IMPORTANT TO VERIFY AT THE END OF THE DAY I RULING BASED ON

STATE LAW OR FEDERAL LAW BUT STARTING WITH THE STATE LAW, THE 768, THE FACTOR THAT WE ARE TALKING ABOUT HERE, IS THE RELATION OF THE AMOUNT OF DAMAGES PROVED HIM A WHICH IS WHAT YOU ARE TALKING ABOUT JUSTICE, AND THE INJURIES SUFFERED IN THE STATUTORY LANGUAGE MAKES CLEAR THAT WE ARE LOOKING AT ONE RELATIONSHIP, NOT TO COME LIKE THEY SUGGEST IN THE ANSWER BRIEF, IT IS THE RELATIONSHIP BETWEEN THE AMOUNT OF PUNITIVE DAMAGES INTO THINGS, THE COMPENSATORY AWARD THAT IS THE DOLLARS, AND THE INJURY AND HERE, THE INJURY IS DEATH, THE ONLY REASON THE DOLLARS DON'T SUFFICIENTLY CAPTURE THE VALUES OF A DEATH COMING IS BECAUSE THIS IS A WRONGFUL DEATH CASE IN FLORIDA HAS MADE THE DECISION THAT YOU CANNOT RECOVERY COMPENSATORY DAMAGES FOR THE VALUE OF THE DEATH.

SO WE DON'T EVEN GET MONEY FOR THAT, BUT THAT IS THE INJURY THAT THIS CAUSED AS THE ULTIMATE INJURY I THINK THE LEGISLATURE ALSO SAID NO PUNITIVE DAMAGES FOR WRONGFUL DEATH AND WE CAN TAKE UP THAT ISSUE.

>> THAT'S CERTAINLY NOT AN ISSUE IN THIS CASE I HAVE NOTHING THAT PRESERVE YET RECENTLY THAT IS NOT AN ISSUE IN THIS CASE.

IN THIS CASE IN QUESTION IS WHETHER THE LEGISLATURE SAID WE COMPARED TO THE AMOUNT OF DAMAGES PRINTED THE INJURIES SUFFERED, WE IGNORE THE INJURY SUFFERED AND WE ONLY COMPARED IT TO THE DAMAGES PROVED.

AND THAT DEFIES THE PLAIN LANGUAGE OF THE STATUTE WE MUST LOOK AT THE DEATH AND I THINK THE BEST CASE TO TALK ABOUT THIS COMES FROM ANOTHER STATE THAT HAS A FAIR AMOUNT OF TOBACCO LITIGATION IS OREGON AND IN THE SCHWARTZ CASE, THE OREGON COURT OF APPEALS UPHELD \$25 MILLION PUNITIVE AWARD THAT WAS 148

TIMES FAR GREATER THEN THE
COMPENSATORY AWARD AND ARRESTED
ON EXACTLY THIS LOGIC IS THAT I
AM TELLING YOU IN OREGON IS JUST
LIKE FLORIDA, AND THE DAMAGE
AWARD DOES NOT REFLECT THE
MONETARY VALUE OF THE DEATH OF
THE JURY DOES NOT GET TO
MONETIZE THAT DEATH BUT IN
PUNITIVE DAMAGES IN DETERMINING
IF THIS FITS THE CRIME, IS THIS
TOO MUCH GIVEN THE HARM CAUSE,
THE HARM CAUSE, WE DON'T NEED TO
LOOK AT THE DAMAGES, ECONOMIC,
YOUR MAIN JOB IS NOT GOOD, YOUR
INTEREST UNDER CLAIM IS ON
PROCESS THE MONEY IS DEFRAUDED
YOU IN A FINANCIAL TRANSACTION,
WILL THEN ECONOMIC DAMAGES MAY
BE THE ONLY REAL MEASURE THAT WE
CAN APPLY, NOT SO HERE, WRONGFUL
DEATH, THIS IS ABOUT THE
SANCTITY OF LIFE AND THIS IS A
JURY AND UNDERSTAND.

>> I UNDERSTAND BUT I WONDER HOW
MUCH HIS ARM AND HELPED TO GIVEN
THAT THERE IS NO NO LIMITED
PRINCIPLE AND BOTH OF PUNITIVE
DAMAGES WERE \$15 BILLION, AND
WRITE THAT YOU WOULD BE MAKING
THE SAME ARGUMENT.

>> NO I THINK THERE IS A LIMIT
TO MY FIND IT.

>> I THINK THAT THIS GETS TO THE
DIFFERENCE BETWEEN ABUSE OF
DISCRETION, NOVO, FOR ABUSE OF
DISCRETION, WE LOOK AT THE
JURY'S DETERMINING THE VALUE OF
LIFE AND COMPARING IT IN THE
TRIAL COURT EXCLUSIVELY IS DOING
SO UNDER THE STATUTE AND THEN
IT'S ABUSE OF DISCRETION REVIEW
AND OF THE DUE PROCESS CLAUSE,
IS THE HIGHEST COURT AND HAS A
NOVO REVIEW AND THEY DON'T CARE
WHAT ANYBODY ELSE HAS IT SO WHAT
YOU FEEL AND HOW MUCH IS TOO
MUCH WORK KILLING A HUMAN BEING
AND I THINK THESE ARE GREAT
CASES TO ANSWER THAT QUESTION
BECAUSE WE HAVE A LONG ESTATE
CASES WILL BE OF AWARDS AND WE
HAVE AWARDS FOR HAVING SMOKERS
AND \$10 MILLION IMMEDIATE

\$10 MILLION FOR A LIVING SMOKER,
JUST LIKE THIS, IF MS. TUCKEY, -
>> WHAT I UNDERSTAND YOUR
ARGUMENT, YOU'RE SAYING THAT THE
APPEALS COURT SAID THE STATE,
SHOULD CONDUCT SOME SORT OF
PERSONALITY REVIEW ANY TIME
THERE'S AN AWARD IN ONE OF THESE
CASES TO SORT OF DE NOVO TO
DETERMINE WHETHER IT'S IN THE
HEARTLAND OF WHAT IS ACCEPTABLE
NOT BASED ON SOME MULTIPLE OF
COMPENSATORY DAMAGES BUT THE
VALUE OF HUMAN LIFE, HIS THAT
THE JUDICIAL PROJECT YOU ARE
ASKING THE COURT IN THE STATE TO
UNDERTAKE.

>> I'M NOT ASKING YOU TO DO THAT
I BELIEVE THE SUPREME COURT OF
THE NIGHT UNITED STATES IS
COMMANDED THE COURSE TO THAT IN
HIS INTERPRETATION OF THE DUE
PROCESS CLAUSE I THINK THEY'VE
GOTTEN IT WRONG AND THAT JUSTICE
SCALIA AND THOMAS ARE CORRECTED
BUT YES THAT IS WHERE WE ARE AND
THAT IS THE LAW AND THE COURTS
ARE SUPPOSED TO APPLY THE NOVA
REVIEW TO DETERMINE IS JUST ONE
GUIDEPOST.

FOR BOTH THE STATUTE AND THE
CONSTITUTION, IF YOU DISAGREE
WITH EVERYTHING THAT I'M SAYING
HERE IS A NO COME IS JUST
DOLLARS TO DOLLARS, WE SHOULD
STILL PREVAIL, THESE ARE NOT
SEPARATE TESTS, THESE ARE IN
BOTH CASES, THEIR FACTORS TO
APPLY, THE GUIDEPOST WILL BE
ALREADY TOLD BRITAIN'S ABILITY
WHICH THIS COURT HELD, \$3M
DOLLARS IS JUSTIFIED BASED ON A
BRICK THAT IS THE MOST IMPORTANT
LAW AND IF YOU CAN HAVE THAT IS
THE MOST IMPORTANT, THAT MEANS
THE OTHER TWO ANYONE OF THEM IS
NOT REQUIRED SO ANY
DEFICIENCIES, I THINK THAT WE
FULLY NEED THE SECOND GUIDEPOST
BUT EVEN IF BECAUSE WE HAVE LOW
DAMAGES HERE, WE HAD A
DEFICIENCY THERE, ISSUED STILL
BE OUTWEIGHED AND COULD YOU
ADDRESS AND CREDIT GOES BACK TO

WHAT THE CHIEF JUSTICE ASKED YOU ABOUT IN TERMS OF THE REPREHENSIBLE ABILITY, HOW DO YOU HOW SHOULD WE THINK ABOUT THE FACT THAT IT WAS ONLY THE STRICT LIABILITY CLAIM THAT YOU PREVAILED ON HIS INCONSISTENT VERDICT SITUATION BECAUSE I MEAN, YOU SAID THAT THERE WAS NO RELIANCE THAT IS ANOTHER WAY OF SAYING THERE IS NO ARM CAUSE TO THIS PARTICULAR RELEASE INTO THE DECEDENT.

>> THAT IS NOT WHAT I'M TRYING TO SAY, WHEN I AM TRYING TO SAY AND WHAT IS THE CASE, AS WE ARE TALKING ABOUT PUNISHING CONDUCT AND THE CONDUCT IS EXACTLY THE SAME, WE PROVED IT, WE HAD PROOF OF STRICT LIABILITY THIS WAS ACTUALLY AN ISSUE ON APPEAL IN THE 50S WE PRESENT DOING PRESENT ENOUGH EVIDENCE AND YOU CAN SEE WHAT WAS THE EVIDENCE CARRIED IT AND ITS EXACT SAME EVIDENCE YOU PUT IN ON A FRAUD CASE THAT IS BECAUSE OF THE DEFECTIVE DESIGN THEORY IS BASED ON CONSUMER EXPECTATIONS AND DOES THIS PRODUCT AS A CONSUMER REASONABLY EXPECT THIS TO BE A SAFE PRODUCT IF WE PUT ON EVIDENCE THAT THEY DO, REASONABLE CONSUMERS, MAY WE DIDN'T HAVE INDIVIDUAL RELIANCE HERE AND MAYBE SHE LEARNED SOME POINT, MORE LIKELY THAT WE JUST COULD NOT PREVENT BECAUSE SHE HAS DAD, WHAT SHE RELIED ON FOR THE REASON THERE STRICTLY LIABLE IS BECAUSE THE MANIPULATED CONSUMER REPRESENTED EXPECTATIONS.

>> THIS IS SORT OF A MORAL COMPONENT TO IT AND STRICT LIABILITY IS NEUTRAL ON THAT ENEMY IS INEFFICIENCY.

>> IT DOES ON THE STRICT LIABILITY DOES THE NOT GIVE YOU PUNITIVE DAMAGES AND ONCE YOU PROVE THAT STRICT LIABILITY, YOU DON'T HAVE TO PROVE ANY REPRESENT REPREHENSIBLE HE EVER PUNITIVE DAMAGES YOU DO A AND

EVIDENCE THAT YOU HAVE SHOWN THAT IT WAS JUST A LIABILITY.

>> YOUR BLUE LINE ON THE REPREHENSIBLE HE SORT OF MAKE UP THE FACT THAT IN TERMS OF THE DOLLAR COMPARISON THAT IT SO DISPROPORTIONATE.

>> EVERYTHING OF THE DOLLAR COMPARISON NOTHING INJURY COMPARISON HIS CAR, THEN, YES, I AM AND MY POINT IS THAT IT IS THE SAME CONDUCT AND MORE BROADLY, EVEN IF YOU DISAGREE WITH ME ON THAT, THAT ISSUE IS NOT BEFORE THE COURT COME AS A CERTIFIED QUESTION.

>> IS A LOGICAL SO IF IN THIS KIND OF GIVES TO WHAT THE JUSTICE CORY IS SAYING, DO YOU THINK WERE THE INJURY IS DEATH, THAT ESSENTIALLY BECAUSE YOU COULD ALWAYS WILL THERE'S NO AMOUNT OF MONEY THAT YOU COULD SAY FOR THAT SO ARE YOU SAYING ESSENTIALLY THE AMOUNT SORT OF GOES OUT THE WINDOW NOT AT ALL AND I THINK DE NOVO SHOULD SAY WHAT THE AMOUNT IS BECAUSE THEY CONDUCT HIS NAME IN ALL THESE IN THE DEATH IS THE SAME AS OUT YOUR SITE.

>> SO FOUR OF US ARE SUPPOSED TO SORT OF PLATONICALLY, DECIDE HOW MUCH A DEATH IS WORTH.

>> BECAUSE OF THE SUPREME COURT OF THE UNITED STATES IS GIVEN YOU AND I DON'T UNDERSTAND WHY THEY DID THAT AND I DON'T THINK THEY SHOULD HAVE BUT THEY DID AND SO YES, AND YOU'VE ALREADY SAID 30 MILLION IS NOT EXCESSIVE AND SO I THINK THAT IS THE FLOOR AND WE ARE UNDER 30 MILLION AND THINK YOU SHOULD SAVE 100 MILLION.

>> WHAT IS A MATTER FOR THE TRIAL LAWYER FOR YOUR CLIENT ASKED FOR 10 MILLION, WE GET THE JURY CAME BACK WITH 16.

>> IT DOESN'T MATTER AT ALL, THERE IS A STRESS FINDINGS OF NO PASSION OR PREJUDICE AND SHOWS THE JURY ALSO AWARDED ON PUNITIVE DAMAGES IN THE

PLAINTIFF'S LAWYER MAKING THEM,
PLEASE DON'T AWARD MORE THAN
25 MILLION, BECAUSE THAT HAD
ALREADY BEEN APPROVED THEY WERE
30 MILLION THAT DOESN'T MATTER
BECAUSE IT IS FOR THE JURY AND
AS LONG AS THERE'S NO PASSION OR
PREJUDICE, THE PLAINTIFF LAWYERS
THE NAME OF THE GAME IS TO AVOID
THE COURSE IN THESE CASES AND IF
THESE CASES GET THEM TRITE SO WE
DO NOT PUSH THE BOUNDARIES IN
ANY TYPE CLOSING REMOTE
BATTERIES, PEOPLE BEEN PUSHING
THE BOUNDARIES THERE, THERE ARE
RETURNING THEIR CASES AGAIN AND
AGAIN, THE NAME OF THE GUN
SAFETY IS THAT WE DO NOT ASK FOR
MORE THAN WE THANK YOU SO SUPER
SAFE AND WITHOUT WELL THIS IS A
BIG RATIO, MONETARILY LET'S ASK
FOR LESS WITH THIS JURY DECIDED
THE SANCTITY OF LIFE, IS WORTH
AT LEAST 16 MILLION.

>> DON'T YOU THINK THOUGH THAT
THE FACT THAT THEY REJECTED THE
CLAIMS, ANY OF THE CLAIMS THAT
HAVE ANYTHING TO DO WITH ANY
SORT OF NEGLIGENCE, AND THEY
COME BACK WITH A \$16 MILLION
AWARD MEAN ISN'T THAT KIND OF
INDICATIVE OF PASSION OR
PREJUDICE IN THE SENSE OF SORT
OF IRRATIONALITY FOR JUST
DESIRING TO PUNISH CONDUCT THAT
WAS NOT EVEN FOR THE COURT THEY
ASSUME THAT'S A PROBLEM, AND
SECONDLY, I WOULD SAY IS
REASONABLE FOR A JURY OR STATE
TO SAY THE SANCTITY OF ALL LIFE
IS THE SAME AND YOU KILL A
PERSON, YOU SHOULD BE PUNISHED
THE SAME AMOUNT ONE OF THAT
PERSON HAPPENED TO LEAVE OR
HAVING TO BEAT ELON MUSK WHO HAD
BILLIONS OF DOLLARS IN LOST
EARNINGS, OR SOMEBODY INDICTED
WITH NO ECONOMIC DAMAGES AND THE
DRUG MISS OUT OF THEIR SPOUSE
DIED BY THE TIME THEY GOT TO THE
TRIAL OF THE DIED SO THERE'S NO
DAMAGES AT ALL AND WE COULD HAVE
IT IF WE HAVE THEM IN THESE
CASES, THERE'S NO COMPENSATORY

DAMAGES AT ALL THIS COURT IS SAID YOU CAN HAVE PUNITIVE DAMAGES WHEN THERE'S NONE AND WERE HERE WE DON'T GET ANY AND AWARDED ALL IT CERTAINLY COMETH THE SITTING MILLION DOLLAR AWARD AND A 30 MILLION-DOLLAR AWARD WOULD BE APPROPRIATE AND ON THE FLIPSIDE FOR SOMEBODY WHO HAS AN ECONOMIC LOSS LIMIT WOULD NOT SAY THAT EVEN A ONE - ONE RATIO WOULD BE APPROPRIATE SHOULD BE NO MORE PUNISHMENT FOR KILLING A PERSON FROM KILLING ANYBODY ELSE AND SO MAYBE 30 MILLION IS WHERE YOU PAY GET TO, I WOULD SUGGEST 100 MILLION THAT IS ABOUT 10 MILLION, FAIRLY COMMON WORD, THE MOST REPREHENSIBLE CONDUCT THIS COURT HAS SEEN SO WE TO SET THE BAR HIGH AND WE CAN CONTRIBUTE 100 MILLION, THIS COURT IS ALREADY SAID THAT 30 MILLION ISN'T TOO MUCH AND I THINK AGAIN, IT IS THE SANCTITY OF HUMAN LIFE, THE JUDGMENT WERE TALKING BY THE CONSTITUTION, IS THE CONSTITUTION DOESN'T PROHIBIT A STATE FROM SAYING THAT EVERY LIFE IS VALUABLE AND IF YOU TAKE SOMEBODY'S LIFE, THAT PUNISHMENT IS GOING TO BE THE SAME, THE MAXIMUM PUNISHMENT IS GOING TO BE THE SAME THEY LEFT A WIDOW BEHIND, OR CHILDREN BEHIND, LOST EARNINGS CLAIM, OR HAD NOTHING INTENT IS NOT UNREASONABLE, TO SAY THAT IF YOU KILL A PERSON, THIS IS THE PUNISHMENT THAT YOU SHOULD EXPECT AND TO MEET WITH SOMEONE REASONABLE IF WE HAVE IS DOLLAR TO DOLLAR THING, THEN WHAT WE ARE SAYING IS THAT BY R.J. REYNOLDS, NOT KILLING HER EARLIER, OR NOT GIVING HER LUNG CANCER, SHE GOT THEM HAD CANCER EARLIER, AND HAD IT FOR YEARS AND SHE JUST DID NOT DIE, AND SHE GOT TO COURT, GET TO MILLION FOR OWN SUFFERING.
>> I'M GOING TO GIVE YOU SOME ANYWAY SO YOU'LL HAVE FOUR

MINUTES FOR REBUTTAL.

>> THANK YOU I KNOW JUST CLOSE THAT IN SAYING THAT YOU NEED TO HAVE PUNISHMENT AND THEY SHOULD NOT BENEFIT TO KILLING SOMEBODY, THEY WARNED THAT IF THEY HAD NOT KILLED HER WOULD'VE BEEN IN THE RANGE OF \$2 MILLION IN THE WHOLE IDEA OF THAT BY KILLING HER, AND NO SURVIVORS, THEY DON'T GET PUNISHED AS MUCH, THAT'S OBSCENE.

>> ALL RIGHT, THREE AND HALF MINUTES FOR REBUTTAL AND THANK YOU.

BACKGROUND SOUNDS.

>> MR. CHIEF JUSTICE MAY PLEASE THE COURT THE BRIAN LAMB, TOBACCO COMPANY AND COUNSEL TABLE - AND AS A COURT HAS SAID, AND 16 MILLION-DOLLAR PUNITIVE AWARD IN THIS CASE, AND THE COMPENSATORY AWARD BY A RATIO OF ONE OVER SEVEN - ONE AND THAT IS UNPRECEDENTED IN FLORIDA AT TO THE POINT IT RENDERS THE AWARD EXCESSIVE IT IS MEMORABLE FLORIDA AND FEDERAL LAW AND THIS IS NOT AN ISSUE FROM THIS COURT AND SHOW THAT THERE MUST BE REASONABLE RELATION BETWEEN THE PUNITIVE AND COMPENSATORY AWARDS IN THE U.S. SUPREME COURT HAS HELD THE SAME THING AND A STRING OF CASES.

>> COULD YOU PLAN TO ADDRESS A CONDITIONAL ARGUMENT FOR THE CONSUMMATE ABOUT THE DAMAGES BEING DISTINCTIVE FROM THE INJURIES AND SUFFERING.

>> RIGHT, SO 768 POINTS ON FOUR LISTS FIVE CRITERIA, THERE IS A PREREQUISITE PART OF THAT WHICH IS USES THAT WERE CRITERIA UNLIKE IN COUNCIL BRIEF IT IS ON-SITE DOCTORS, CRITERIA IS A STANDARD DICTIONARY STANDARD FOR MEASURING EFFICACY, THE FACT THAT WE HAVE MULTIPLE MEANS, HE'S ONE TO MAKE A DIFFERENCE OF THESE ARE THE TEST THAT MUST BE MET AND I THINK A GREAT EXAMPLE IS ACTUALLY IN THE DICTIONARY WHEN IT TALKS ABOUT THE CRITERIA

OF ADEQUATE DIET, NOBODY WOULD SAY THAT PES NO VEGETABLES BUT HE HAS MADE UP FOR IT IN PROTEIN, NO YOU WOULD NEED BOTH. SO THEY HAVEN'T MET AND WHAT THIS CASE IS TURNED UPON THE DISTRICT COURT'S ESTIMATION, IS 768.745, D AND IT REQUIRES REASONABLE RELATION TO THE AMOUNT OF DAMAGES PROVED IT IN INJURIES SUFFERED AND CONTRARY TO THE PLAINTIFF SUCH AS AN OPPOSITION DOES NOT HAVE THE PHRASE IN THE INJURIES SUFFERED OF NO ACCOUNT, AND WITH THE MEANS AND REMEMBER THIS IS A GENERAL STATUTE HANDED APPLIES TO PUNITIVE DAMAGES AND COMPENSATORY DAMAGES ALIKE ENEMIES AND DETERMINING A OF HOW FINE A TOOTH COMB TO GO INTO EVALUATING HOW THE DAMAGES PROVEN YOU TAKE INTO ACCOUNT THE SORT OF INJURY AS YOU REFLECT THE TRADITIONAL BULK THAT WE LARGELY DIFFERS INJURIES WERE PAIN AND SUFFERING INTANGIBLE SUFFERINGS A LITTLE STRICTER WITH ECONOMIC DAMAGES AND JUST HAS NO ROLE TO PLAY IN THIS IS BECAUSE WE ARE ACCEPTING THE COMPENSATORY AWARD REMAINS UNCHALLENGED AND SO WE HAVE ALREADY GOT THEM ON A SEDATION OF THE COMPENSATORY AWARD.

>> SO YOU'RE SAYING THE INJURED SUFFERED IS REFERRING TO TWO MEN AND HARMS OUR HELP ME UNDERSTAND I'M NOT SURE I HEAR THE ANSWER.

>> NO NOT TO THE HARMS, AND THE ROLE THAT IS LOVED SUBSTANTIAL PUNITIVE DAMAGES FOR NORMAL AWARDS TO UNDER STATE LAW, PREFIXES THE STATUTE HAS PROBABLY INCONSISTENT WITH A BIT MAYBE IT IS WHEN FATHER DIDN'T HAVE WHAT I AM SAYING, IS THAT IMAGINE THAT YOU HAVE A COMPENSATORY AWARD, YOU HAVE ADDED ARGUMENT BASED ON, THAT IS SAYING TAKEN INTO ACCOUNT THE NATURE OF THE INJURY AND ITS ECONOMIC WE LOOK AT THE MEDICAL BILLS WE DON'T GIVE THE JURY THE

WAY THERE HAS TO BE PROOF BUT WHEN HIS PAIN AND SUFFERING, IS TELLING YOU TO CONSIDER THE NATURE OF THE INJURY WE KNOW THAT'S LARGELY IN THE JURY'S WHEELHOUSE SO WE DO NOT GET INTO THAT.

>> SO YOU THANK YOU SO A DIRECTION TO LOOK AT THE NATURE OF PAIN AND SUFFERING AS OPPOSED TO SAYING A VIOLATION OF THE PRODUCT LIABILITY CASE, THAT'S YOUR READING IN THE STATUTE IS, WHEN WE LOOK AT THE NATURE OF THE INJURY SUFFERED, AND APART FROM THE COMPENSATORY DAMAGES, YOU WANT US TO LOOK AT THE VICTIMS PAIN-AND-SUFFERING AND FOR EXAMPLE COME THE CONSEQUENCES OF A NEGLIGENTLY DESIGNED PRODUCT.

>> SO I THINK THAT BECAUSE.

>> I'M NOT SURE HOW THAT HELPS YOU.

>> KNOW IS I WANT TO ME AND I THINK THE INJURY SUFFERED BECAUSE OF HOW CLOSELY TO EVALUATE THE OTHER PART OF THE STATUTE IS HOLISTICALLY THE AMOUNT OF DAMAGES PROVED JUST HAPPENS ON TO PLAY A ROLE HERE IS WHAT WE HAVE IN A CHALLENGE COMPENSATORY AWARD DOING THE WORK IN THE COURT SHOULD REJECT PLAINTIFF'S ALTERNATIVE READING BY FOURTH REASONS, SO IT HAS BEEN THAT IS TO OBJECT TO, AND THE INJURY SUFFERED ESTIMATE YOU DO NOT HAVE A REASONABLE RELATIONSHIP IN THE AMOUNT OF DAMAGES PROVED IN THE QUESTION PRESENTED PLAINTIFF DESERVES A RESPONSE OF THE SUPPOSEDLY CASE AND ACTUALLY OBSERVES THAT EXCESSIVE APPEARED TO BE COMING TO SIT UNDER COMPASS AND REWARD THAT THEY CAN GO OVER THAT WITH REASONABLE RELATION TO THE INJURY SEVERED THAT ARGUMENT FAILS FOR THREE REASONS, ONE THAT IT RENDERS THE PHRASE, THE DAMAGES PROVED SUPERFLUOUS AND THEY ARE ALWAYS GOING TO BE COEXTENSIVE WITH THE WORK A

SUBSET OF THE INJURIES SUFFERED
IF YOU ARE VIEWING THE INJURY
SUFFERED AND SOME PHYSICAL AND
PHILOSOPHICAL SENSE IS THAT IF
YOU PROVE THAT YOU HAVE SUFFERED
THE INJURIES OF PLAINTIFF'S
TREATING THE DAMAGES PROVED OUT
OF THE STATUTE HAS SECONDLY,
ASSUMING THERE IS TO LOGICALLY
THE PLAINTIFFS THAT THE STATUTE
USES THE WORD MEDICINAL SAY THAT
YOU CAN NEVER RELATION WILL
HUNDRED OR, YES AND THAT YOU
HAVE TO HAVE BOTH SO EVEN IF THE
PLAINTIFF'S RIGHT, TWO SEPARATE
OBJECTS, THEY BOTH HAVE TO BE
MET AND ENTERED, THE PLAINTIFFS
READING WELL-ESTABLISHED
PRINCIPLES ARTICULATED BY THE
SUPREME COURT THAT WE PRESUME
THAT LEGISLATURES DO NOT HIDE
ELEPHANTS AND MALES HOLES AND I
AGAIN WANT TO STRESS THE STATUTE
IT IS GENERAL STATUTE IN APPLIES
TO COMPENSATORY AND PUNITIVE
AWARDS ALIKE.

AND ISSUES ARE MILLIONS OF
WHATEVER INTERPRETATIONS ARE
HERE, IS GOING TO APPLY OF A
CHALLENGE TO AWARDS AS WELL SO
ON THE PLAINTIFFS READING,
WORKING COMMIT EVIDENCE TO
SUPPORT US ARE WILL BEG THE
LEGISLATURES COMMANDS ON
SUBSIDENCE LAW IN ACCORDANCE
EIGHT WALL GRANT THIS OR DENY
THE REMITTITUR BECAUSE I DO NOT
THINK THE LEGISLATION WHAT HAS
ADEQUATELY COUNTED FOR THE
INJURY, A PLATONIC A JUDGMENT
SINCE I CANNOT BE RIGHT, WITHOUT
THE COURTS IMAGINE CHALLENGES
AGAIN WITH THESE COMPENSATORY
AWARDS RUN RUSSIA THINGS LIKE
APPROXIMATE CAUSE WE KNOW THE
INJURY HAPPENED WE JUST DON'T
THINK IT IS A LEGAL CAUSE AND
RUN STATUTE OF LIMITATIONS PART
OF THE DAMAGE OF THE INJURY HAS
BEEN CUT OFF BY POSITIVE TIME
WHEN HE'S LIKE THIS THE
LEGISLATURE HAS TOLD US HOW
THEIR VALUING HIS ARM, ON THE
EFFECTS OF THE LIVING AND THE

CORK AND SAY I JUST DON'T AGREE WITH THAT AND I DON'T THINK THE LEGISLATURE HAS DONE ENOUGH SO I WILL CONFIDENT THAT IS A SWEEPING JUDICIAL POWER AND THERE IS NO WAY THAT THE LEGISLATURE INTENDED TO VARY THAT IT FORWARDS, VARIED IN THE PROVISION IN THE MIDDLE OF THE STATUTE AND THAT IS YET ANOTHER REASON TO REJECT THIS READING IS SO ARE RIGHT BACK TO TALKING ABOUT REASONABLE RELATION REQUIREMENT EXACTLY IS THIS COURT SAID AND CHEF AND AS IT SAID IN ANGLE, AND THAT WAS AS A MATTER OF STATE LAW AND THE PLAINTIFFS ONLY RESPONSE IN AND OF THEMSELVES, HAS BEEN TO SAY THERE'S NO CHALLENGE TO THEM AND NOT TRY TO MEET THE STANDARD CLEARLY RELEASE, BUT IT HAS BEEN TO SAY ANGLE WAS MOSTLY ABOUT THE STATE LAW ARMY ABOUT FEDERAL LAW HE SEES ME AND THAT IS INCORRECT FOR THREE REASONS SO DOESN'T GET THE JOB DONE, ONE, JEFF, IT'S IN A SEPARATE SECTION OF THE OPINION, DENOMINATED STATE LAW SIZE ESTATE UNDER THE STATUTE AND SO IS CLEARLY A STATE LAW HOLDING AND IGNORES THE LANGUAGE OF ANGLE, THE PASSAGE IN ANGLE SAID THAT IT TALKS ABOUT WHAT STATE LAW REQUIRES THAT A SITE THIS COURSE THEN EXISTING PRESIDENTS WHICH WAS FROM 1939 - THE DATE OF ANGLE, IN THE COURT SAID THAT WE WILL ABANDON THE TRADITIONAL BY REQUIRING REASONABLE RELATION AND THAT IS THAT WE HOLD CONSISTENT WITH DUE PROCESS NOT A DIRECT APPLICATION OF DUE PROCESS, CONSISTENT AND WERE CHANGING STATE LAW TO ACCOUNT FOR SO YOU GO IS A STATE LAW AND THE THIRD, AND EVEN IF, THAT WERE WRONG AND EVEN IF YOU WERE TO PUT ASIDE CHEF, STILL INGLE PLAINTIFF ACKNOWLEDGES THAT SQUARELY YOU HAVE TO HAVE A REASONABLE RELATION TO HAVE PUNITIVE AND COMPENSATORY

DAMAGES.

>> I'M SORRY TO INTERRUPT YOU
BUT, I MEAN, THOSE THREE
PARAGRAPHS OR WHATEVER IT WAS,
SORT OF LIKE SHIFTING FROM
TALKING BUT EVEN IF IT IS STATE
LAW, AND STATE CONSTITUTIONAL
LAW, THEY WERE NOT ANALYZING THE
TEXT.

>> THEY CERTAINLY WERE NOT
ANALYZING THE TEXT OF THAT SHOWS
IN JEOPARDY GET THE JOB DONE
EVEN THE COURT -

>> IS THERE A DIFFERENCE BETWEEN
THE STANDARD ON THE REASONABLE
RELATIONSHIP WITH THE DAMAGES
EMPTY DUE PROCESS STANDARDS,
BASICALLY WHAT I KNOW THAT THE
ABUSE OF DISCRETION VERSUS THE
NOVO BUT SUBSTANCE THAT ARE THEY
THE SAME THING.

>> SO, THAT ARGUMENT THE SHORT
ANSWERS I DON'T THINK THEY
NECESSARILY ARE IN THE RECENT
SUPREME COURT HAS GIVEN US OTHER
GUIDEPOST AND FACTORS TO
CONSIDER SO I THINK IT COULD BE
A DELTA BETWEEN THE TWO AS
SPECIFIC CASES AND I WOULD SAY
THE TWO THINGS ABOUT THAT, ONE A
SEVEN - ONE THAT IS UNREASONABLE
ON THE ESTIMATION TO BE ON, IF
THERE WAS A DELTA IT IS NOT
PRESENTED HERE BECAUSE BCA LEFT
IT TO THE TRIAL COURT TO FIGURE
OUT WITH THE APPROPRIATE TO
RELATIONSHIP US ON REMAND IF YOU
WATCH YOUTUBE VIDEO, THE
PLAINTIFF SAYS YES YOU CAN
LEVERAGE OF THE TRIAL COURT AND
SO THE COURT DOES NOT NEED TO
LEAVE IT TO SAY THIS AWARD IS
UNREASONABLE AND WE WOULD NEVER
PROSPER TO PRESENT WE SIT
CONSISTENTLY IS FOUR - ONE OR IN
THE RANGE OF SIX - ONE OR EIGHT
- ONE OF THE COURT WERE GOING TO
DO THAT WHICH AGAIN, GIVEN THE
PLAINTIFF'S POSITION IN THE
LOWER COURT WOULD EFFECTIVELY
SAY NOT IDENTIFYING POLITENESS
ALSO REVERSE THE COURT WANT TO
DO THAT FOR FOUR - ONE OR SIX -
108 - MONTH WOULD BE THE PROPER

RATIO AND EVEN IF THERE COULD IN THEORY BE A DELTA.
I ALSO HEARD ANOTHER SECTION AT, I AM HESITANT TO ADDRESS AND ON PAGE FIVE OF THE PLAINTIFFS DISCLAIMS THE IDEA THAT IT DISPLACES SOMEHOW SOME 68.74, BUT AN ABUNDANCE OF CAUTION, SUCH A SIMPLE FEATURE OF THEIR OPENING BRIEF AND I WILL SAY THAT IS NOT TRUE, 768 VERSION IN THE PRESUMPTIVE THREE - ONE CAP AND FOR REASONS FOR BOTH TEXTUAL AND STRUCTURAL, IT DOES NOT DISPLACE THE REASONABLE RELATIONSHIP REQUIREMENT IN THOSE TWO SECTORS WERE POPULAR IN 1986, AND USE A KEY PHRASE OF THE POINT, IS A BOTH TALK ABOUT THE FACTS AND CIRCUMSTANCES PRESENTED TO THE PRIOR INFECTED 768.74, THE GENERAL REMITTED CENTER USES THAT PHRASE TO INTRODUCE THE FIVE CRITERIA, THE FIGHT MUST BE MET TESTS THE GOVERNMENT AND 768.73, IT SAYS WHEN YOU'RE DECIDING WHETHER AWARD EXCEEDS THE THREE - ONE CAP, HEMMING HOW MUCH, YOU LOOK TO THE FACTS AND CIRCUMSTANCES PRESENTED TO THE PRIOR FACTS WAS ENCOMPASSING THE PART PRIOR CRITERIA MAKES SENSE SOCIALLY, NO WAY THAT THE LEGISLATURE THOUGHT THAT THE RATIO BETWEEN PUNITIVE AND COMPENSATORY DAMAGES, WAS SO IMPORTANT THAT TO SET A PERCENT OF CAP, THE CRITERIA IN GENERAL WERE SO IMPORTANT TO GOVERN REMITTED EDITOR AND ALL OF THEM JUST FALL AWAY WHEN IT EXCEEDS THREE - ONE THEREFORE PRESUMABLY IS MOST IN NEED OF SCRUTINY. IT'S 0768.73 CANNOT DISPLACE A SECTION 768.74, AND FRANKLY RESOLVE THE CASE PLAINTIFF IS NOT TRY TO ARGUE THAT THE AWARD IN THIS CASE OF 107 - ONE IS REASONABLE IF THERE IS A REASONABLE RELATION REQUIREMENT AND GET HER SUPPORT TO REVIEW A CERTIFIED QUESTION THAT PRESUPPOSES THAT AND IT IS NOT

AND CANNOT MAKE THE CASE EVEN IF IT WAS TRIED AND THE COURT ADHERES TO THE PRINCIPLES OF STATE LAW PRIVACY AND OF COURSE CONSTITUTIONAL AVOIDANCE AND COUNSEL AGAINST GOING ANY FURTHER BUT IF THE COURT WERE TO GO FURTHER, THE U.S. SUPREME COURT'S PRESSES LIKewise WOULD REQUIRE PERMITS AND THE COURT IS GIVEN US THE THREE CONSTITUTIONAL DOCTORS. AND IT HAS TAUGHT US HOW TO APPLY TO THE SECOND FACTOR AT A TIME AND AGAIN IS LOOK AT THE RATIO BETWEEN PUNITIVE AND COMPENSATORY DAMAGES AND IT HAS DONE SO AND TOUR REVERSE AWARDS AND HAS TOLD US AT EXXON THAT IS QUOTE THE RATIO ARE A CENTRAL FEATURE OF OUR DUE PROCESS ANALYSIS AND IS GIVEN US GUIDELINES RATIOS THAT MONETIZE HOW TO DO THAT IN HER SOME OF THEM MENTIONED EARLIER THIS ONE HAS BEEN OFF THE MARK BY THIS REPORT AND TOLD US THAT NOT JUST ONE, IS THE LIMIT ALL OF THE MOST EXCEPTIONAL OF CASES. SO THIS AWARD IS MORE THAN 12 TIMES LARGER THAN THAT, THAT CONFIRMS THE EXCESSIVENESS. THE PLAINTIFF'S ARGUMENT HAS BEEN TO LOOK TO LATCH ONTO THE LANGUAGE OF ACTUAL POTENTIAL HARM INTO LOOK TO OTHER CASES AND THESE AWARDS IN OTHER CASES, FOR HYPOTHETICAL CASES AND SUPREME COURT HAS SQUARELY SAID ENOUGH TO DO THAT SHOULD BE NOT BASE PUNITIVE DAMAGES ON HARMS TO OTHERS AND HAS SAID THAT YOU CANNOT BASE PUNITIVE DAMAGES ON HYPOTHETICAL CLAIMS AND THEY BEAT CAMPBELL AND I WOULD ADD THAT THAT IS THE ONLY WAY TO BE CONSISTENT WITH CASE LAW AND THERE IS NO REASON THE COURT WOULD'VE CONSISTENTLY LOOK TO THE RATIOS IN THE COURSE COULD JUST INEVITABLY JUMP TO THEIR OWN SENSE WHEN AN INJURY SHOULD BE HEARD.

>> IN IT TO GIVE BACK TO SENT

YOU SO SECTION V, JUST A COUPLE OF QUESTIONS WHERE IT MENTIONS THE INJURIES SUFFERED IN DO YOU AGREE WITH YOUR COUNSEL THAT IS THAT DEATH IS THE INJURY.

>> I THINK THERE'S TWO WAYS TO LOOK AT IT WITH A DUCTAL BACK AT THE SAME TIME AND THANK AND WHEN WAY OF LOOKING AT IT IS NOT THE DEATH OF THE LEGISLATURE IS CHOSEN TO COMPENSATE FOR THE SURVIVORS WHICH IS IN KEEPING WITH THE TRADITIONAL ROLE THAT DID NOT ALLOW ANY RECOVERY IN THE EVENT OF DEATH AT ALL SINCE I CAN'T WAIT OF LOOKING AT IT AS THAT IS HELD THE COMPENSATING THE DEATH OF THEY HAVE TOLD AND DECIDED TO VALUE ENOUGH ACCORDING TO THE EFFECT ON THE STILL LIVING IN MY CREDIT AS SUGGESTED THAT THIS SHOULD NOT BE CIRCUMSTANCES SPECIFICALLY THE FACT IS THE REMITTER STATUTE MAKES IT CIRCUMSTANCE SPECIFIC EVENTS WHAT ELSE IS INJURY FOR THE AMOUNT OF DAMAGES PROGRESSIVELY ELSE IS WATCHING IT ON TO THIS CASE AS THE LEGISLATURE HAS DEFINED THE INJURY AND THE HARM AND SO YOU DO LIGHT UP IN THIS CASE DUCTILITY RIGHT BACK TO THE \$150,000 THIS MORNING AWARD. IT IS TO SPEAK TO MY FRIENDS WEST POINT AND THE REEFS, ABOUT FOLLOWING ON THE UNDER THE FEDERAL ANALYSIS FUNDAMENTALLY MISUNDERSTANDS HOW POSTS WORK AND THEY ARE NOT TWO OUT OF THREE CONTESTS IS NOT TIC-TAC-TOE INSTEAD OF HIS INTERLINKING THE FACTORS THAT PLAY OFF OF EACH OTHER IN THE SUPREME COURT HAS MADE IT CLEAR AND SAID THAT THE SECOND FACTOR MUST BE MET IN EVERY CASE AND NOT CONSISTENT WITH THE IDEA THAT THE REPREHENSIBLE LESSEE SHOULD BE DRIVING THE BUS AND THE IDEA SHOWS UP IN THE SAME OPINION SOME SELECTED SUPREME COURT COME THEY DON'T SAY IN CONSISTENT THINGS AS A MATTER OF

COURSE SO IT MEANS THE REFEREE
INSTABILITY TELLS US THAT WE
WERE WITHIN TYPOS IN THE
GUIDELINES RATIOS AND IF SO BY
HOW MUCH DOES NOT ALLOW US TO
DROP IT OUT OF THE CASE SO IT
TELLS US WHAT ACCOUNTS BUT IT
DOES DO WEIGHT WITH IT.

>> I DO WANT TO DUCTAL BACK AND
WE DID PRESERVE MARTIN AND
THOUSAND BRIEF, COURT IS GOING
TO BE INVITED TO RELY ON THEM
FOR ANYTHING, SHOULD JUST
OVERRULE THE CASE WAS
INCONSISTENT WITH THE STATUTORY
TEXT, AND HOLDING THE PUNITIVE
DAMAGES ARE AVAILABLE AND MORE
TO THE BROADER POINT AND THERE'S
A SET JUST INTO KEEP IT TO THE
CERTIFIED QUESTION THEY SHOULD
NOT CONSIDER THE NATION ENTERED
INTO CLAIMS AND NOT REQUIRED TO
DO ANYTHING AND JURISDICTIONS
AND THIS COURTS RULE SAY THAT
YOU ONLY NEED TO RAISE
AFFIRMATIVE INDEPENDENT ISSUES
AND THE EXTENT THESE ARE FACTORS
OF EACH OTHER AND IS NOT
AFFIRMATIVE FOR RELYING ON IT TO
DEFEND JUDGMENT OF COURT BELOW
THE COURT SHOULD ACTUALLY THIS
IS A STRICT LIABILITY CASE IN
DECIDING WHEN AND THANKS THAT IF
YOU DECIDE TO GET INTO THE
QUESTION OF WHAT IS REASONABLE
AND AGAIN I THINK THAT THE COURT
HERE, GIVEN THE WAY THE CASE WAS
LITIGATED BY THE PLAINTIFF AND
THE CONCESSION SHOULD STOP WAS
SAYING WHEN ZERO SEVEN - ONE
RATIO IS REASONABLE BUT I DID
NOT WANT THAT TO GO OR GET LOST
IN THE SHUFFLE.

I'M HAPPY TO ANSWER QUESTIONS
FROM THE COURT OTHERWISE, WILL
YIELD THE PODIUM.

>> THANK YOU.

>> THANK YOU COUNSEL.

>> THESE CASES ARE THE MOST
EXCEPTIONAL CASES IN THE
CORPORATION'S MISSION TO MAKE
BILLIONS OF DOLLARS ENGAGED IN
INTENTIONAL DESIGN AND MARKETING
DECISIONS, KNOWING THAT IT WOULD

KILL HUNDREDS OF MILLIONS OF PEOPLE, THIS IS WHERE YOU'VE SET THE BAR.

INGLE AND CHAUF DID NOT INVOLVE THIS ISSUE FROM THE ROCK NOT MODEST IT DAMAGE AWARDS INVOLVED IN THE CASE RECENT DOLLARS AND IN FACT, THEN SHOW THIS COURT SAID IN THE DISPARITY BETWEEN THE ACTUAL OR POTENTIAL HARM SUFFERED BY THE PLAINTIFF AND PUNITIVE DAMAGE AWARD AND THERE'S A RATIO, IS NOT A RATIO OF DOLLARS, JUST COMPARING THE AWARD TO THE ACTUAL POTENTIAL HARM IN THIS COURT UNANIMOUSLY SAID TO EVALUATE THE RELATIONSHIP BETWEEN DAMAGES AND HARM, AND THE PUNITIVE DAMAGE AWARD AS COMPARED TO THE ACTUAL OR POTENTIAL HARM SUFFERED THE ACTUAL HARM ALONE SO YOU DO LOOK AT POTENTIAL HARM AND YOU DO NOT LOOK JUST TO THE DOLLAR AWARD. WHAT WILL THE RULE BE AND I'M STILL NOT HEARD AN ANSWER, WHAT WILL THE RULE BEFORE WE DON'T HAVE A MODEST AWARD, WE HAVE A NUMBER AWARD YOU DON'T HAVE ANY DAMAGES PROVEN AND YOU'VE KILL SOMEBODY, THERE'S NO IMAGES AND NO SURVIVORS LEFT, WAS JUST THE DAMAGES ARE ZERO AND DOES THE CONSTITUTION AND THE STATUTE, MEAN THEY DON'T GIVE PUNITIVE DAMAGES AT ALL, THAT CANNOT BE THE CASE.

THE LEGISLATURE THAT SAID THERE IS NO RATIO WHATSOEVER, IT IS SMALL ENOUGH EVEN UNDER THE NEW STATUTE, IT IS CAPPED AT \$2 MILLION AND IF YOU HAVE 1 DOLLAR OF DAMAGES, THAT IS A 2 MILLION - ONE RATIO AND TXO FROM U.S. SUPREME COURT APPROVED A HUNDRED 20 - ONE ISSUE BECAUSE THEY CONDUCT IN THE INJURY SO SERIOUS BUT THE DAMAGE AWARD WAS SO THOUGH AND UNDER THIS ONE IS ONE THAT IF WE JUST LOOK AT THE DOLLAR AWARD LET'S LOOK AT THE OTHER SIDE, ELON MUSK, WHOEVER SOME RICH PERSON DIES AND IS A BILLION-DOLLAR COMPENSATORY

CLAIM.

YOU'RE GOING TO SAY THEY GET
PUNISHED A BILLION-DOLLAR 11 I
WOULD SAY THAT IS EXCESSIVE
IRONICALLY BECAUSE EVERY HUMAN
LIFE SHOULD BE TREATED THE SAME,
WHEN WE PUNISH SOMEBODY FOR
KILLING A HUMAN BEING, NOT
DEPEND ON WHETHER THAT IT WAS A
GREAT HUMAN BEING WHO LEFT A
BUNCH OF PEOPLE BEHIND, OR BUNCH
OF MONEY OR SOMEBODY WHO DID
NOT, THAT'S IRRATIONAL IN THE
STATUTE DOES NOT REQUIRE THE
CONSTITUTION DOES NOT REQUIRE IT
AND PUNITIVE DAMAGES ARE NOT FOR
COMPENSATING, THEREFORE
PUNISHING THE COMPENSATORY
DAMAGES THE LEGISLATURE MAKES
THE JUDGMENT ABOUT THE
COMPENSATED PUNITIVE DAMAGES
OVER THE JURY MAKES A
DETERMINATION SUBJECT TO
REASONABLE REVIEW OF HOW MUCH
PUNISHMENT WARRANTED FOR THE
CONDUCT AND IN THE CONDUCT IS
EXACTLY THE SAME NO DIFFERENCE
IN THE ONLY DIFFERENCE IS THAT
WE COULD NOT SHOW THAT SHE DID
NOT LEARN THAT I SHOULD QUIT
SMOKING A TIME TO AVOIDED WE DO
NOT KNOW BECAUSE SHE IS DEAD AND
NOBODY CAN ASK HER WHY SHE KEPT
SMOKING BUT WE DO KNOW THAT SHE
GOT LUNG CANCER AND DIED BECAUSE
SHE SMOKED A PRODUCT FOR WHICH
THEY'RE LIABLE BECAUSE THEY
INTENTIONALLY MANIPULATED
CONSUMER EXPECTATIONS TO THINK
THAT IT HAS SAFE US OUT THERE
RESPONSIBLE FOR THAT.

>> THAT'S NOT STRICT LIABILITY.

>> CONSUMER EXPECTATIONS MET
INTENTIONAL MEDICATION.

>> RIGHT, YOU CAN HAVE LOTS OF
STRICT LIABILITY CASES, YOU
DON'T EVEN NEED TO SEEK PUNITIVE
DAMAGES YOU HAVE TO SHOW WAY
MORE THAN JUST LIABILITY AND
THAT'S WHAT THIS COURT HELD IS
THAT YOU CAN AND AS LONG AS YOU
PROVE BY CLEAR AND CONVINCING
EVIDENCE, AND KNOWING THAT IT
WILL KILL A WHOLE BUNCH OF

PEOPLE, THAT IS WHEN YOU GIVE
PUNITIVE DAMAGES IS A SATISFIED
THAT YOU HAVE A CLAIM NOW YOU
LOOK AT THE CONTACTED AND GAVE
LIABILITY AND WE HAD TO PROVE
THIS TO GET LIABILITY BUT TO GET
PUNITIVE DAMAGES WE HAD TO SHOW
THE SAME THING.

>> YOU NEED TO WRAP IT UP
COUNSEL.

>> I THINK THAT I HAVE MADE MY
POINTS AND THE SANCTITY OF HUMAN
A FIGHT, THAT IS WHAT THIS IS
ABOUT AND KENNY JERRY, CAN A
STATE, DETERMINE THAT THE
PUNISHMENT, THE MAXIMUM
PUNISHMENT ALLOWED FOR KILLING A
HUMAN BEING SHOULD BE THE SAME
REGARDLESS OF THE HUMAN BEING.
ISN'T THAT RATIONAL EVEN IF YOU
DON'T AGREE, THAT THE STATE
COULD DO WHEN THEY SAY NOT JUST
DAMAGES BUT THE DAMAGE AND THE
INJURY, IS THIS SOMETHING
RATIONAL THAT A JURY COULD SAY,
EVERY LIFE IS WORTH THE SAME
WHEN IT COMES TO PUNISHMENT.

>> THANK YOU, THANK YOU BOTH FOR
YOUR ARGUMENTS IN THIS CASE.

>> ALL RISE.