

IN THE CIRCUIT COURT OF THE 17<sup>TH</sup>  
JUDICIAL CIRCUIT IN AND FOR  
BROWARD COUNTY, FLORIDA

COMPLEX LITIGATION UNIT

CASE NO. 08-80000 (19)

JUDGE JOHN J. MURPHY III

IN RE: ENGLE PROGENY CASES  
TOBACCO LITIGATION

*Pertains to: BLANCHE FOX, as  
Personal Representative of the Estate  
Of MALCOLM FOX*

Case No.: 08-026348

PHASE I VERDICT FORM

We, the jury, return the following verdict:

1. Was Malcolm Fox addicted to cigarettes containing nicotine, and if so, was such addiction a legal cause of his COPD or CAD which manifested prior to November 21, 1996?

Yes  No

*If your answer to Question 1 is No, Please proceed no further than to sign and date the verdict form and return to the Courtroom. If your answer to Question 1 is Yes, please proceed to Question 2.*

2. Was smoking cigarettes a legal cause of Mr. Fox's death?

Yes  No

*If your answer to Question 2 is Yes, please proceed to Question 3 and following the instructions through question 9. If your answer to Question 2 is No, Please skip 3-8 and proceed to Question 9 and follow the instructions for the remaining questions to through Question 14.*

3. Please state whether Malcolm Fox reasonably relied to his detriment on any statement made by R.J. Reynolds which concealed or omitted material information not otherwise known or available concerning the health effects and/or addictive nature of smoking cigarettes, and if so, whether such reliance was a legal cause of Malcolm Fox's death.

Yes \_\_\_\_\_ No \_\_\_\_\_

4. Please state whether Malcolm Fox reasonably relied to his detriment on any statement made in furtherance of R.J. Reynolds' agreement with other tobacco companies or organizations to conceal or omit material information not otherwise known or available concerning the health effects and/or addictive nature of smoking cigarettes, and if so, whether such reliance was a legal cause of Malcolm Fox's death.

Yes \_\_\_\_\_ No \_\_\_\_\_

5. Was Malcolm Fox at fault, and if so, was such fault a legal cause of his death?

Yes \_\_\_\_\_ No \_\_\_\_\_

*If you answer NO to Question 5 write "0" on Question 6 for Malcolm Fox.*

6. Please state the percentage of any responsibility that was a legal cause of Malcolm Fox's death that you charge to:

R.J. Reynolds \_\_\_\_\_%

Malcolm Fox \_\_\_\_\_%

**TOTAL RESPONSIBILITY OF ALL PARTIES MUST BE 100%**

*In determining the total amount of damages, you should not make any reduction because of the fault of Malcolm Fox. The Court will enter a judgment based on your verdict and the Court in entering judgment will reduce the total amount of damages by the percentage of fault which you find was caused by Mr. Fox.*

7. What is the total amount of damages sustained by Blanche Fox for the loss of her husband's companionship and protection, and her pain and suffering as a result of Malcolm Fox's smoking-related injuries and death.

\$ \_\_\_\_\_

8. Under the circumstances of this case, please state whether you find by clear and convincing evidence that punitive damages are warranted against R.J. Reynolds Tobacco Company.

Yes \_\_\_\_\_ No \_\_\_\_\_

*If your answer to Question 2 was Yes, do not answer Questions 9-14. Please sign and date the verdict form and return to the Courtroom.*

9. Please state whether Malcolm Fox reasonably relied to his detriment on any statement made by R.J. Reynolds which concealed or omitted material information not otherwise known or available concerning the health effects and/or addictive nature of smoking cigarettes, and if so, whether such reliance was a legal cause of Malcolm Fox's smoking-related injuries.

Yes \_\_\_\_\_ No

10. Please state whether Malcolm Fox reasonably relied to his detriment on any statement made in furtherance of R.J. Reynolds' agreement with other tobacco companies or organizations to conceal or omit material information not otherwise known or available concerning the health effects and/or addictive nature of smoking cigarettes, and if so, whether such reliance was a legal cause of Malcolm Fox's smoking-related injuries.

Yes \_\_\_\_\_ No

11. Was Malcolm Fox at fault, and if so, was such fault a legal cause of his smoking-related injuries?

Yes  No \_\_\_\_\_

*If you answer NO to Question 11, write "0" on Question 12 for Malcolm Fox.*

12. Please state the percentage of any responsibility that was a legal cause of Malcolm Fox's smoking-related injuries that you charge to:

R.J. Reynolds 50 %

Malcolm Fox 50 %

**TOTAL RESPONSIBILITY OF ALL PARTIES MUST BE 100%**

*In determining the total amount of damages, you should not make any reduction because of the fault of Malcolm Fox. The Court will enter a judgment based on your verdict and the Court in entering judgment will reduce the total amount of damages by the percentage of fault which you find was caused by Mr. Fox.*


13. What is the total amount of damages sustained by Malcolm Fox from the date of his smoking-related injuries to the date of his death:
- a) For Mr. Fox's pain and suffering, disability, physical impairment, disfigurement, mental anguish, inconvenience, aggravation of a disease or physical defect and loss of capacity for the enjoyment of life as a result of his smoking-related injuries.

\$ 6 million

14. Under the circumstances of this case, please state whether you find by clear and convincing evidence that punitive damages are warranted against R.J. Reynolds Tobacco Company.

Yes \_\_\_\_\_ No

SO SAY WE ALL, this 23 day of February, 2017

  
Foreperson