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DAILY BUSINESS REVIEW

WINNERS - PRODUCT LIABILITY

Trio scored landmark win against tobacco industry

DAILY BUSINESS REVIEW'S
5th Annual
MOST Effective
LAWYERS 2009

Gary Paige
Alex Alvarez
Adam Trop
Paige Trop & Ameen

Three attorneys at Paige Trop & Ameen took on teams of lawyers from at least 10 top national firms hired by the tobacco industry and won an \$8 million jury award for a smoker client in Broward Circuit Court.

"It's not a level playing field," Paige said. "They spare no expense fighting these cases."

Stuart Hess, a locksmith, smoked two packs a day for 40 years before dying of lung cancer. His widow, Elaine Hess, sued Philip Morris saying the cigarette maker hid the dangers of smoking from consumers and failed to disclose that nicotine is addictive.

The Hess case was the first to go to trial since the Florida Supreme Court in 2006 overturned a \$145 billion class-action jury award on behalf of thousands of Florida smokers and, in some cases, their survivors.

The \$145 billion award was, at the time, the highest

verdict for punitive damages in U.S. history. The justices voided the amount but left alone the jury's finding that tobacco companies knew their products were dangerous and concealed those risks from the public.

"Gary is a pioneer," Alvarez said. "He was the leader of the group, and I credit him with having the drive."

"Just getting a case to trial against the tobacco companies is a victory."

While the Hess verdict, which tobacco lawyers have challenged in the 4th District Court of Appeal, bears no direct legal impact on thousands of other similar cases, it does set a benchmark among trial attorneys.

The lawsuit at the core of the class action was filed by Dr. Howard Engle, a Miami Beach pediatrician, in 1994. Engle contended that he had smoked for decades and could not give up the habit.

The class of smokers included up to 700,000 people when the jury awarded billions nearly a decade ago.

The team of Paige, Alvarez and Trop has two other similar cases scheduled for



MELANIE BELL

Gary Paige, Alex Alvarez and Adam Trop took on teams of lawyers from at least 10 top national firms hired by the tobacco industry and won an \$8 million jury award.

trial in South Florida early next year. They have already won a second case in which a jury awarded \$1.5 million.

"More than any other defendant, the tobacco companies will paper you to death," Alvarez said. "Phillip Morris and RJ Reynolds have never settled a single

case against an individual plaintiff."

The team members said they expect to engage in a lengthy appeals process driven by the industry lawyers even as they continue to try cases for other smoker plaintiffs.