



**NEWS RELEASE**

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## **Shepard Law Co-Counsel in Lawsuit Against Asbestos and Tobacco Defendants That Results in \$43 Million Verdict**

**Boston, MA** - A lawsuit brought against both asbestos and tobacco defendants resulted in a substantial verdict for the Plaintiff, Joanna Summerlin. After four days of deliberation, the eleven-member jury delivered a verdict in favor of the Summerlin family that totaled \$43.1 million. The judgement, against cigarette maker R.J. Reynolds, encompassed \$5.3 million for pain and suffering, \$3.5 million for loss of consortium, \$4.3 million for wrongful death, and \$30 million in punitive damages. The jury found that the products of co-defendants Philip Morris and Hampden Automotive Sales Corporation were defective but were not a cause of Mr. Summerlin's lung cancer.

When Louis Summerlin was diagnosed with lung cancer in 2015, he and wife Joanna Summerlin filed suit against cigarette makers Philip Morris and R.J. Reynolds, and several asbestos-containing brake companies, including Hampden Automotive Sales Corporation. Louis had been a heavy smoker, having

*"This was the result of a tremendous team effort between the lawyers and support staff at Shepard Law and Levy Konigsberg," said Shepard. "The amount of work needed to try both a tobacco and an asbestos case at the same time was staggering." Shepard also commended the jury on staying focused during the five-week trial. "We appreciate the attention that the jury gave to the evidence. They saw through the defendants' attempts to blame our client for his cancer and clearly recognized the role of nicotine addiction and menthol additives in keeping him hooked on cigarettes."*

started smoking menthol cigarettes as a teenager in the 1950s. He had also worked for many years as an automobile brake mechanic, at one point doing 3-4 brake jobs a day, six days a week. He passed away 7 months after his diagnosis. Before he died, he gave videotaped trial testimony that was shown to the jury during trial.

Summerlin's lawyers, Michael Shepard of Shepard Law, P.C. and Jerry Block of Levy Konigsberg, LLP, presented evidence to the jury over the course of five weeks showing Mr. Summerlin's addiction to menthol cigarettes and his exposure to

asbestos dust from grinding brake linings. Neither the cigarettes nor the asbestos brake linings came with a warning about their health hazards.

The jury heard evidence about what tobacco companies knew regarding cigarette smoking by the 1950s and were shown internal company documents revealing that the amount of nicotine was precisely calculated and manipulated to initiate and sustain addiction in smokers. Documents also revealed that tobacco companies knew that adding menthol to cigarettes made it more likely for teenagers to start smoking, easier to create addiction in smokers, and harder for smokers to quit.



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The jury also heard evidence that Hampden Automotive had ignored the dangerous nature of asbestos dust and had neglected to test their brake linings to see if they released toxic asbestos fibers. Michael Shepard presented evidence showing that the hazards of asbestos were well established in the medical and scientific literature by the late 1950s, and that Mr. Summerlin's work grinding Hampden Automotive's brake linings exposed him to billions of asbestos fibers each year.

The jury was swayed by the evidence of the manipulation of nicotine and menthol and by evidence that the tobacco companies had created confusion and controversy for decades by publicly debating the health effects of smoking. Internal company documents showed that tobacco companies understood the true nature of those health effects and the jury found RJ Reynolds fraudulent in what they told their customers about the nature of their cigarettes.

The case was tried in Suffolk Superior Court in Boston, in front of Judge Heidi Brieger. Jury selection began on September 5, 2018, and trial started on September 7.

The Summerlin family was represented at trial by Michael Shepard, Michael McCann and Erika O'Donnell from Massachusetts-based Shepard Law, P.C. and Jerry Block, Bobby Ellis and Amber Long from New York City-based Levy Konigsberg LLP.

Philip Morris was represented by Bill Geraghty and a team of attorneys from Shook Hardy & Bacon LLP, Mayer Brown LLP, and local counsel from Latham & Watkin's Boston office.

RJ Reynolds was represented by Mark Belasic and Kaitlyn Kline from Jones Day's Cleveland office along with local counsel Conn Kavanaugh Rosenthal Peisch & Ford LLP.

Hampden Automotive Sales Corporation was represented by David Governo and Vincent DePalo from Smith Duggan Buell & Rufo in Boston.

### **About Shepard Law**

Shepard Law is a Boston-based law firm and one of the top personal injury law firms in Massachusetts focusing on major asbestos claims involving mesothelioma or lung cancer, tobacco, dangerous drugs, and defective product liability. The firm has been litigating mesothelioma lawsuits in both state and federal courts for over 20 years and has represented victims of asbestos exposure throughout New England and across the United States.

Michael Shepard is the founder of Shepard Law and was appointed this year as Plaintiff's Liaison Counsel in the Massachusetts Asbestos Litigation Docket.

Michael McCann is an Associate at Shepard Law and specializes in representing victims of asbestos exposure throughout Massachusetts.