

IN THE CIRCUIT COURT OF THE 15TH  
JUDICIAL CIRCUIT IN AND FOR PALM  
BEACH COUNTY, FLORIDA

CASE NO.: 50 2015 CA 005405 AI

MICHAEL GENTILE, as Personal Representative  
of the Estate of BRENDA GENTILE, for and on  
behalf of the Estate and the Survivors thereof,

Plaintiff,

v.

PHILIP MORRIS USA INC.,

Defendant.

FILED

OCT 10 2017

SHARON R. BOCK  
CLERK & COMPTROLLER  
CIRCUIT CIVIL DIVISION  
AT 3:45PM NAZ

VERDICT

We the Jury, return the following verdict:

1. Please state whether cigarettes manufactured by Philip Morris USA Inc. and used by Brenda Gentile were defective by reason of their design and, if so, whether the defective design was a legal cause of Brenda Gentile's lung cancer and death.

YES  NO

*If you answered NO to Question 1, please skip Question 2 and proceed to Question 3.*

*If you answered YES to Question 1, then proceed to Question 2.*

2. Please state whether there was negligence on the part of Philip Morris USA Inc. with respect to cigarettes used by Brenda Gentile and, if so, whether such negligence was a legal cause of Mrs. Gentile's lung cancer and death.

YES  NO

3. Please state whether Philip Morris USA Inc. made a statement or statements intentionally and with fraudulent purpose that concealed or omitted a material fact concerning the health effects or addictive nature of smoking light or low-tar cigarettes and, if so, whether Brenda Gentile reasonably relied to her detriment on such a statement and, if so, whether such reliance was a legal cause of her lung cancer and death?

YES  NO

*If you answered NO to Question 3, please skip Questions 4, 5, and 6, and proceed to Question 7.*

*If you answered YES to Question 3, then proceed to Question 4.*

4. Please state whether Philip Morris USA Inc. made a statement or statements after May 12, 2003, that intentionally and with fraudulent purpose concealed or omitted a material fact concerning the health effects or addictive nature of smoking light or low-tar cigarettes.

YES  NO

*If you answered NO to Question 4, please skip Questions 5 and 6 and proceed to Question 7.*

*If you answered YES to Question 4, then proceed to Question 5.*

5. Please state whether Philip Morris USA Inc. entered an agreement with one or more other tobacco companies to make a statement or statements intentionally and with fraudulent purpose that concealed or omitted a material fact concerning the health effects or addictive nature of smoking light or low-tar cigarettes and, if so, whether Brenda Gentile reasonably relied to her detriment on such a statement and, if so, whether such reliance was a legal cause of her lung cancer and death?

YES  NO

*If you answered NO to Question 5, please skip Question 6 and proceed to Question 7.*

*If you answered YES to Question 5, then proceed to Question 6.*

6. Please state whether Philip Morris USA Inc. or another tobacco company made a statement or statements after May 12, 2003, in furtherance of an agreement to conceal or omit material facts concerning the health effects or addictive nature of smoking light or low-tar cigarettes.

YES  NO

7. Please state whether Philip Morris USA Inc. made a statement or statements intentionally and with fraudulent purpose that misrepresented a material fact concerning the health effects or addictive nature of smoking light or low-tar cigarettes and, if so, whether Brenda Gentile reasonably relied to her detriment on such a statement or statements and, if so, whether such reliance was a legal cause of her lung cancer and death?

YES  NO

If you answered NO to Question 7, please skip Question 8 and proceed to the instructions immediately following Question 8.

If you answered YES to Question 7, then proceed to Question 8.

8. Please state whether Philip Morris USA Inc. made a statement or statements after May 12, 2003, that intentionally and with fraudulent purpose misrepresented a material fact concerning the health effects or addictive nature of smoking light or low-tar cigarettes.

YES  \_\_\_\_\_ NO  \_\_\_\_\_

If you answered YES to Question 1, and/or YES to both Questions 3 AND 4, and/or YES to both Questions 7 AND 8 then proceed to Question 9. Otherwise, your Verdict is for Defendant Philip Morris USA Inc. and you should not proceed further but to sign and date the verdict form and return it to the Courtroom.

9. Please state whether there was responsibility on the part of Brenda Gentile, and if so, whether such responsibility was a contributing legal cause of her lung cancer and death.

YES  \_\_\_\_\_ NO  \_\_\_\_\_

If you answered YES to Question 9, please answer Question 10.

If you answered NO to Question 9, please skip Question 10 and proceed to Question 11.

10. Please state the percentage of responsibility that you charge to Philip Morris USA Inc., if any, and the percentage of responsibility that you charge to Brenda Gentile, if any, for legally causing Mrs. Gentile's lung cancer and death

|                        |                   |
|------------------------|-------------------|
| Philip Morris USA Inc. | % <u>75</u> _____ |
| Brenda Gentile         | % <u>25</u> _____ |

**(The total percentage must be 100%)**

If you assigned zero percent responsibility to Philip Morris USA Inc., please proceed no further except to sign and date the verdict form and return to the courtroom.

If you assigned any responsibility to Philip Morris USA Inc., please proceed to Question 11.

11. What is the total amount of any damages lost by the Estate for any medical expenses resulting from Brenda Gentile's lung cancer and death?

\$ 123,085.41

12. What is the total amount of damages sustained by Michael Gentile for the loss of his wife's companionship and protection and for his pain and suffering as a result of Brenda Gentile's lung cancer and death?

\$ 5,000,000.00

13. What is the total amount of damages sustained by Nicholas Gentile for the loss of parental companionship, instruction and guidance and Nicholas Gentile's pain and suffering as a result of Brenda Gentile's lung cancer and death?

\$ 1,000,000.00

14. What is the total amount of damages sustained by Christopher Gentile for the loss of parental companionship, instruction and guidance and Christopher Gentile's pain and suffering as a result of Brenda Gentile's lung cancer and death?

\$ 1,000,000.00

*In determining the total amount of any damages, you should not make any reduction because of the responsibility, if any, you have assigned to Brenda Gentile. The Court will enter a judgment based on your verdict and will reduce the total amount of damages by the percentage of responsibility, if any, which you assigned to Brenda Gentile.*

SO SAY WE ALL this 10 day of October 2017

Margaret Kennedy  
Foreperson

MARGARET KENNEDY  
Foreperson's Printed Name