

14<sup>th</sup> JUDICIAL DISTRICT COURT  
PARISH OF CALCASIEU  
STATE OF LOUISIANA

**RICHARD P. IEYOUB, ATTORNEY GENERAL ex rel,**  
**STATE OF LOUISIANA,**  
Plaintiff,

v.

**THE AMERICAN TOBACCO COMPANY;  
AMERICAN BRANDS, INC.; R.J. REYNOLDS  
TOBACCO COMPANY; RJR NABISCO, INC.;**  
**BATUS CORPORATION; BROWN &  
WILLIAMSON TOBACCO CORPORATION;  
PHILIP MORRIS COMPANIES, INC.; PHILIP  
MORRIS INCORPORATED (PHILIP MORRIS  
U.S.A.); THE BROOKE GROUP LIMITED; LIGGETT  
GROUP, INC.; LIGGETT & MYERS, INC.; LOEWS  
CORPORATION; LORILLARD CORPORATION;  
UNITED STATES TOBACCO SALES AND  
MARKETING COMPANY, INC.; UNITED STATES  
TOBACCO COMPANY, INC.; THE COUNCIL FOR  
TOBACCO RESEARCH - U.S.A. INC. (SUCCESSOR  
TO TOBACCO INSTITUTE RESEARCH  
COMMITTEE);  
THE TOBACCO INSTITUTE, INC.; HILL &  
KNOWLTON, INC.; GENERIC PRODUCTS  
CORPORATION; PELICAN CIGAR CO.;**  
**SCHLESINGER WHOLESALERS & AUTOMATIVE  
CIGARETTE SERVICE, INC.; BATON ROUGE  
TOBACCO CO.; MALONE  
& HYDE, INC.; AND "A" THROUGH  
"Z" ENTITIES,**  
Defendants.

Case No. 96-1209

March 13, 1996

**PETITION**

1.

Richard P. Ieyoub, the Attorney General of Louisiana, brings this action on behalf of the plaintiff, the State of Louisiana. Under the Louisiana Constitution of 1974 and its predecessors, the State is responsible for the health, safety, happiness, and general welfare of its citizens. The Attorney General has the duty to protect the interests of the State and the general public.

2.

For many years the state has suffered harm and incurred expenses associated with providing health care and other necessary assistance under various state programs to eligible citizens suffering from tobacco-related injuries and illnesses.

3.

The defendants are a cartel who promote and distribute tobacco products, or materially assist others in so doing, to citizens in Calcasieu Parish and elsewhere throughout the state, and have done so for many years. For many years the State has paid out large sums of money for health care and other necessary assistance to eligible citizens in Calcasieu Parish and elsewhere throughout the state for the treatment of tobacco-related injuries and illnesses, and continues to do so.

4.

The defendants have intentionally engaged in these activities knowing that when Louisiana citizens use these products as they are intended to be used, the citizens are substantially certain to suffer injury and illness, and that the State will be harmed thereby.

5.

The defendants have intentionally engaged in these activities knowing that the State would confer a benefit upon the defendants by providing health care and other necessary assistance to eligible citizens harmed by the intended use of the defendants' tobacco products, and, in the absence of performance of such duty by the defendants, that the State itself would have to perform the duty and would thereby be harmed.

6.

The American Tobacco Company is a Delaware Corporation whose principal place of business is located at 6 Stamford Forum, Stamford, Connecticut 06904, and upon whom process may be served by serving its Louisiana agent authorized to receive service of process, United States Corporation Co., 203 Carondelet Street, Suite 811, New Orleans, LA 70130-3017. The American Tobacco Company is a subsidiary or division of American Brands, Inc. [The principal place of business in Louisiana is 200 Carondelet, Suite 2210, New Orleans, LA 70130.]

7.

American Brands, Inc. is a Delaware corporation whose principal place of business is located at 6 Stamford Forum, Stamford, Connecticut 06904, and upon whom process may be served by serving its Louisiana agent authorized to receive service of process, United States Corporation Co., 203 Carondelet, Suite 2210, New Orleans, LA 70130-3017. The American Tobacco Company is a subsidiary or division of American Brands, Inc. [The principal place of business in Louisiana is 200 Carondelet, Suite 2210, New Orleans, LA 70130.]

8.

R. J. Reynolds Tobacco Company is a New Jersey corporation whose principal place of business is located at 4th and Main Street, Winston-Salem, North Carolina 27102, and upon whom process may be served by serving its Louisiana agent authorized to receive service of process, Harry McCall, Jr. and Leon Sarpy, 1100 Poydras Street, Suite 2300, New Orleans, LA 70163. R. J. Reynolds is a wholly-owned subsidiary of RJR Nabisco, Inc. [The principal place of business in Louisiana is 1100 Poydras Street, Suite 2300, New Orleans, LA 70163.]

9.

RJR Nabisco, Inc. is a Delaware corporation doing business in Louisiana whose principal place of business is 1301 Avenue of the Americas, New York, New York 10015, and upon whom process may be served at that address under the provisions of the Louisiana Longarm Statute La. R.S. 13:3201 et seq. RJR Nabisco is the parent corporation of R. J. Reynolds, Inc..

10.

Batus, Inc. is a Delaware corporation doing business in Louisiana whose principal place of business is 1500 Brown & Williamson Tower, Louisville, Kentucky 40202, and upon whom process may be served at that address under the provision of the Louisiana Longarm Statute La. R.S. 13:3201 et seq.. Batus, Inc. is the parent corporation of Brown & Williamson Tobacco Corporation.

11.

Brown & Williamson Tobacco Corporation is a Delaware corporation doing business in Louisiana whose principal place of business is 1500 Brown & Williamson Tower, Louisville, Kentucky 40202, and upon whom process may be served at the address under the provision of the Louisiana Longarm Statute La. R.S. 13:3201 et seq.. Brown & Williamson Tobacco

Corporation is a subsidiary of division of Batus, Inc.

12.

Philip Morris Companies, Inc. is a Virginia corporation doing business in Louisiana whose principal place of business is located at 120 Park Avenue, New York, New York 10016, and upon whom process may be served at the address under the provision of the Louisiana Longarm Statute La. R.S. 13:3201 et seq.

13.

Philip Morris Incorporated (Philip Morris U. S. A.), a subsidiary of Philip Morris Companies, Inc., is a Virginia corporation doing business in Louisiana whose principal place of business is located at 120 Park Avenue, New York, New York 10016, and upon whom process may be made by serving its Louisiana agent for service of process, C. T. Corporation Systems, Inc., 8550 United Plaza Blvd., Baton Rouge, Louisiana 70809.

14.

The Brooke Group, Limited, the parent corporation of Liggett Group, Inc. and Liggett & Myers, Inc., is a Delaware corporation doing business in Louisiana whose principal place of business is 300 North Duke Street, Durham, North Carolina, and upon whom process may be served at that address under the provisions of the Louisiana Longarm Statute La. R.S. 13:3201 et seq.

15.

Liggett Group, Inc. is a Delaware corporation doing business in Louisiana whose principal place of business is located at Main & Fuller Streets, Durham, North Carolina 27702, and upon whom process may be served at that address or by serving its registered agent for service of process, Charles A. Schuette, Jr., Esq., 320 Somerulos Street, Baton Rouge, Louisiana 70802. [Louisiana principal place of business is 320 Somerulos Street, Baton Rouge, Louisiana 70802.]

16.

Liggett & Myers, Inc. is a Delaware corporation doing business in Louisiana whose principal place of business is located at Main and Fuller Streets, Durham, North Carolina 27702, and upon whom process may be served at that address under the provisions of the Louisiana Longarm Statute La. R.S. 13:3201 et seq. Liggett & Myers, Inc. is a wholly-owned subsidiary or division of Liggett Group, Inc.

17.

GM Sub Corporation is a Delaware corporation doing business in Louisiana whose principal place of business is located at Main and Fuller Streets, Durham, North Carolina 27702, and upon whom process may be served at that address under the provisions of the Louisiana Longarm Statute La. R.S. 13:3201 et seq.

18.

Loews Corporation is a Delaware corporation doing business in Louisiana whose principal place of business is located at 1 Park Avenue, New York, New York 10016, and upon whom process may be served at that address under the provisions of the Louisiana Longarm Statute La. R.S. 13:3201 et seq.

19.

Lorillard Corporation is a Delaware corporation doing business in Louisiana whose principal place of business is located at 1 Park Avenue, New York, New York 10016, and upon whom process may be served at that address under the provisions of the Louisiana Longarm Statute La. R.S. 13:3201 et seq. Lorillard Corporation is a wholly-owned subsidiary or division of Loews Corporation.

20.

United States Tobacco Sales and Marketing Company, Inc. is a Delaware corporation doing business in Louisiana whose principal place of business is located at 100 West Putnam Avenue, Greenwich, Connecticut 06830, and upon whom process may be made by serving its Louisiana agent for service of process, C. T. Corporation Systems, Inc., 8550 United Plaza Blvd., Baton Rouge, Louisiana 70809.

21.

United States Tobacco Company, Inc. is a Delaware corporation doing business in Louisiana whose principal place of business is located at 100 West Putnam Avenue, Greenwich, Connecticut 06830, and upon whom process may be served at that address under the provisions of the Louisiana Longarm Statute La. R.S. 13:3201 et seq.

22.

The Council for Tobacco Research--U.S.A., Inc. (successor in interest to the Tobacco Institute Research Committee) is a non-profit corporation doing business in Louisiana organized under the laws of the

State of New York with its principal place of business located at 900 3rd Avenue, New York, New York 10022, and upon whom process may be served at that address under the provisions of the Louisiana Longarm Statute La. R.S. 13:3201 et seq.

23.

The Tobacco Institute, Inc. is a non-profit corporation doing business in Louisiana and organized under the laws of the State of New York whose principal place of business is located at 1875 "I" Street N.W., Suite 800, Washington, D. C. 20006, and upon whom process may be served at that address under the provisions of the Louisiana Longarm Statute La. R.S. 13:3201 et seq.

24.

Hill and Knowlton, Inc. is a Delaware corporation doing business in Louisiana whose principal place of business is located at 420 Lexington Avenue, New York, New York 10070, and upon whom process may be served at that address under the provisions of the Louisiana Longarm Statute La. R.S. 13:3201 et seq.

25.

Generic Products Corporation is a Texas corporation doing business in Louisiana whose principal place of business is located at 4717 Fletcher, Fort Worth, Texas 76107, and upon whom process may be served at that address under the provisions of the Louisiana Longarm Statute La. R.S. 13:3201 et seq.

26.

Pelican Cigar Co. is a Louisiana corporation whose principal place of business is located at 1815 Common Street, Lake Charles, Louisiana and upon whom process may be served by serving its registered agent, John Bergstedt, 1 Lakeshore Drive, Suite 800, Lake Charles, Louisiana.

27.

Schlesinger Wholesalers & Automotive Cigarette Service, Inc. is a Louisiana corporation whose principal place of business is located at 1002 Highway 14, Lake Charles, Louisiana and upon whom process may be served by serving its registered agent, Anthony Fertitta, 1002 Highway 14, Lake Charles, Louisiana.

28.

Baton Rouge Tobacco Co. is a Louisiana corporation whose principal place of business is located at 2326 Sorrel Avenue, Baton Rouge, Louisiana and upon whom process may be served by serving its registered agent, A. B. Lemoine, 2326 Sorrel Avenue, Baton Rouge, Louisiana 70821.

29.

Malone and Hyde, Inc. is a Louisiana corporation upon whom process may be made by serving its Louisiana agent for service of process, C.T. Corporation Systems, Inc., 8550 United Plaza Blvd., Baton Rouge, Louisiana 70809.

29a.

Imperial Trading Co. (Imperial-LA) is a Louisiana corporation, who may be served through its agent for service of process, Gerald Pelios, 701 Edwards Avenue, Harahan, LA 70123.

29b.

Lee-Dee Wholesale Distributing Co., Inc. (Lee-Dee) is a Louisiana corporation and whose primary place of business in Louisiana is in Calcasieu Parish, who may be served through its agent for service of process, Salter, Street & Hale, 4216 Lake Street, Lake Charles, LA 70606.

30.

The defendants "A" through "Z" ENTITIES are business entities, both domestic and foreign, whose identities are presently unknown to the State and which may be described as certain manufacturers and distributors, and/or certain of their trade organizations, public relations firms, law firms and other such entities that, at all pertinent times, manufactured, tested, designed, promoted, marketed, packaged, sold, distributed, and/or purposely placed into the stream of commerce in and into the State, various brands of tobacco products, or, in the course of business, materially participated with, conspired with and/or otherwise aided, abetted and assisted others in so doing, all to the detriment of the State as alleged herein.

31.

The defendants listed herein, and/or their predecessors and/or their successors in interest, are either organized under the laws of (i) Louisiana or (ii) a state other than Louisiana, or (iii) are partnerships or other unincorporated associations with principal places of business both within and without Louisiana and

each subject to suit under a common name, who have either obtained certificates of authority to transact business in Louisiana, or who transacted business in Louisiana without a certificate of authority, but within the contemplation of the Louisiana Longarm Statute.

32.

The American Tobacco Company, American Brands, Inc., R.J. Reynolds Tobacco Company, RJR Nabisco, Inc., Batus Corporation, Brown & Williamson Tobacco Corporation, Philip Morris Companies, Inc., Philip Morris Incorporated (Philip Morris U.S.A.), Liggett Group, Inc., Liggett & Myers, Inc., Brooke Group, Limited, Loews Corporation, Lorillard Corporation, U.S. Tobacco Sales and Marketing Company, Inc., U.S. Tobacco Company, Inc. and certain of the "A" Through "Z" ENTITIES collectively are referred to hereinafter as "The Tobacco Companies."

33.

The Council for Tobacco Research -- U.S.A. Inc. (successor to The Tobacco Institute Research Committee) and The Tobacco Institute, Inc., collectively are referred to hereinafter as "The Tobacco Trade Associations."

34.

Hill & Knowlton, Inc. and certain of the "A" Through "Z" ENTITIES collectively are referred to hereinafter as "The Tobacco Consultants."

35.

The defendants Generic Products Corporation, Pelican Cigar Co., Schlesinger Wholesalers & Automotive Cigarette Service, Inc., Baton Rouge Tobacco Co., Malone and Hyde, Inc., Imperial-LA, Lee-Dee, Louisiana Wholesaler #4 and Louisiana Wholesaler #5, and certain of the "A" Through "Z" ENTITIES collectively are referred to hereinafter as "The Tobacco Wholesalers."

36.

Defendants acted through their agents, servants, and employees, who are acting in the course and scope of their agency or employment and in furtherance of the business of the defendants. The tobacco wholesalers were authorized retail or wholesale distributors or dealers of and on behalf of the tobacco companies. The tobacco wholesalers and the tobacco trade associations were agents, servants or employees of the tobacco companies who acted within the scope

of their agency or employment. The tobacco consultants were agents, servants, or employees of the tobacco companies or of the tobacco trade associations, and acted within the scope of their agency or employment.

37.

The defendants or their predecessors or successors in interest did business in Louisiana; made contracts to be performed in Louisiana; manufactured, tested, promoted, or distributed tobacco products in Louisiana; or materially participated with others in so doing. The defendants knew these tobacco products to be dangerous, and they knew that the products were substantially certain to cause injury to the State of Louisiana and to persons within the state.

38.

Tobacco-caused disease has killed millions of Americans. The Center for Disease Control (CDC) estimates that over 400,000 persons die each year from smoking. Thousands of Louisiana citizens die each year from smoking. Yet each day more than 3000 young Americans, predominately children -- more than a million a year -- take up smoking.

39.

The economic consequences of smoking are equally staggering. The Office of Technology Assessment advised Congress (in May 1993) that smoking-related illnesses cost U.S. taxpayers about 68 billion dollars in 1990.

40.

The State of Louisiana spends millions of dollars each year to provide health and other necessary care to eligible citizens with tobacco-caused injuries and illnesses.

41.

The defendants have known for decades that their products are lethal. By the late 1930s published scientific research gave notice of the dangers of smoking. In 1946 tobacco company chemists themselves reported concern for the health of smokers.

42.

In 1953 Dr. Ernst L. Wynder published a report showing a definitive link between smoking and cancer. (Mice grew cancers when researchers painted condensed smoke onto their backs.) In response to the

publication of the Wynder report, the presidents of the leading tobacco companies -- including American Tobacco Co., R.J. Reynolds, Philip Morris, U.S. Tobacco Co., Lorillard, and Brown & Williamson Tobacco Corporation -- hired the public relations firm of Hill and Knowlton, Inc., to deal with the "health scare." At a strategy meeting the participants acted in concert to set up a "public relations" committee that would take an offensive, pro-tobacco stance despite the then-obvious health dangers presented by tobacco products. The resulting entity was the Tobacco Institute Research Committee (TIRC), later known as the Council for Tobacco Research (CTR).

43.

The TIRC immediately ran a full-page promotion in more than 400 newspapers aimed at about 43 million readers. The promotion was titled "A Frank Statement to Cigarette Smokers." It implicitly denied that smoking causes lung cancer. It was a pack of lies, stating *inter alia*:

44.

"We accept an interest in people's health as a basic responsibility, paramount to every other consideration in our business "

"We believe the products we make are not injurious to health."

"We always have and always will cooperate closely with those whose task it is to safeguard the public health "

45.

In this promotion the tobacco companies promised to sponsor independent research on the dangers of their products and to cooperate with public health officials. They breached these promises, including promises made to Louisiana and its citizens. As a result, the State has suffered harm.

46.

Both Liggett & Myers and Lorillard set out to duplicate Dr. Wynder's tests. Liggett & Myers hired the consulting firm of Arthur D. Little, Inc. for this purpose. These tests conducted by the tobacco companies confirmed Dr. Wynder's conclusions. Thus Liggett & Myers and Lorillard knew by 1954 that cigarette smoking causes cancer. A Liggett & Myers researcher urged that the results of these tests should be published. The tobacco companies refused and

suppressed the information.

47.

After publishing the "Frank Statement," the TIRC continued to act as a front for tobacco industry interests. It did not make public health a primary concern. It did not act to protect the public health. Instead, it participated in a coordinated, industry-wide strategy designed to mislead and confuse the public about the dangers of smoking. The tobacco companies and tobacco consultants, acting through the tobacco trade associations, worked actively to refute, undermine, and neutralize information coming from the scientific and medical community.

48.

The defendants created a publication called *Tobacco and Health* (later *Tobacco and Health Research*). They used it to disseminate false information. It was sent to the press, doctors, and health officials. Its major criterion for selecting articles for publication was whether the article questioned the relationship between smoking and health

49.

The defendants caused the cancellation of press conferences at which their scientists would have told the public of the dangers of smoking; actively suppressed the publication of reports showing the dangers of smoking; attacked research linking smoking to disease; and professionally threatened the researchers themselves.

50.

Numerous scientists formerly employed by the tobacco companies and trade associations have spoken out against the suppression of scientific data and the practice of deception known to exist in the tobacco industry. For example, Dr. Victor DeNoble recently told Congress that back in 1983 the Philip Morris Company suppressed his research strongly supporting nicotine's addictive potential. (At the same congressional hearing -- April 1994 -- the chief executives of the American Tobacco Company, R.J. Reynolds, Brown & Williamson, Philip Morris, Lorillard, and Liggett Group all said they do not believe nicotine is addictive.) Dr. DeNoble also testified that when Rose Cipollone sued the tobacco companies, Philip Morris closed his lab and terminated his research.

51.

The vast body of evidence identifying smoking as a leading cause of lung cancer is uncontroverted and of long standing. There is virtually no scientific disagreement that smoking is a major cause of disease. Even tobacco industry scientists have acknowledged the causal association between smoking and disease.

52.

Tobacco is a carcinogen. Over forty other known carcinogens have also been found in cigarettes. Several thousand harmful compounds have been found in cigarette smoke, including carbon monoxide, nicotine, carbon dioxide, benzene, formaldehyde, Polonium-210, ammonia, nicotine sulfate, freon 11, hydrogen cyanide, and certain liver toxins known collectively as "furans" Some of these compounds have been deliberately added by the tobacco companies. The defendants knew decades ago that their cigarettes contain harmful substances and additives such as arsenic and various insecticides. Yet they have continued to sell and promote their cigarettes.

53.

The tobacco companies could have designed and manufactured a safer cigarette, but refused to do so. One of Philip Morris's research directors believed that a low-carcinogen cigarette could be developed and pleaded with the company to do so. In a similar project at Liggett & Myers, Dr. James Mold produced a "safer" cigarette whose smoke did not cause mouse cancers.

54.

Liggett & Myers did not want to be publicly identified as the source of the "safer" cigarette research. It ordered its researchers to have a lawyer present at all meetings pertaining to the project and to send all reports, notes, and memoranda to the company's legal department. Liggett & Myers has denied that the project has any implications on the health consequences of smoking. It has suppressed a report of the project. It has never marketed the "safer" cigarette.

55.

Over the years the defendants have used a strategy designed to confuse the medical evidence and to stonewall, delay, and obfuscate any litigation. They have sought to make any litigation prohibitively expensive for their opponents. For example, J. Michael Jordan, a lawyer for R.J. Reynolds, wrote: "[T]he aggressive posture we have taken regarding

depositions and discovery in general continues to make these cases extremely burdensome and expensive for plaintiffs' lawyers, particularly sole practitioners. To paraphrase General Patton, "the way we won these cases was not by spending all of Reynolds' money, but by making that other son of a bitch spend all his "

56.

Corporate officials of the tobacco companies, tobacco trade associations, and tobacco consultants have consistently tried to conceal potentially harmful documents by sending them through their law firms and legal departments at every opportunity and then claiming the attorney-client or attorney work product privilege. For example, a "special projects" division has been set up within the CTR to conceal research deemed harmful to the tobacco industry and to develop research and expert witnesses for the industry to use in litigation. The "special projects" division's incriminating reports and documents were passed through attorneys; the tobacco defendants now claim that these documents are privileged.

57.

The tobacco industry has congratulated itself on the success of its strategy of creating doubt that cigarette smoking is harmful to health without overtly denying it. A 1962 memo stated that the industry had handled the "emergency" of the Wynder report effectively, by treating the public health threat as a public relations problem to be solved by preserving the industry's image and profit. One defendant's executive has called the CTR the best and cheapest insurance" the industry could buy.

58.

However, not content with the holding strategies used by the TIRC and the CTR, the tobacco companies have adopted a more aggressive role through their lobbying arm, the Tobacco Institute (TI). The TI actively seeks to increase doubt about the dangers of smoking by coming up with alternative explanations for the data. One of the TI's theories focuses on individual genetic makeup. Another is the "multi-factorial hypothesis" that seeks to implicate food additives, viruses, occupational hazards, air pollution, and stress. These alternative TI "hypotheses" have no credit in the medical and scientific literature, but have been somewhat successful in the public thinking.

59.

Tobacco products manufactured and sold by

the defendants contain nicotine, a highly addictive substance. The defendants know how hard it is to quit smoking, and that addicted individuals are susceptible to any rationalization to justify continuing smoking. They deliberately exploit this human weakness.

60.

Nicotine addiction is similar to that of heroin, cocaine, and amphetamines. A tobacco industry memo acknowledges in 1972: "[W]ithout nicotine ... there would be no smoking... [T]he cigarette [is] a dispenser for a dose unit of nicotine." FDA authorities have recently recognized the mounting evidence that the tobacco companies regularly manipulate the amount of nicotine in cigarettes to induce and satisfy this addiction.

61.

For many years the defendants have engaged in a vast misleading promotional, public relations, and lobbying campaign that has as its chief goal increasing the number of persons addicted to tobacco products and decreasing the number of persons who attempt or succeed in quitting. Much of the defendants' effort has been and continues to be directed at children. All of this the defendants have done and continue do in contravention of their duty not to mislead the public. At the cost of countless lives, the defendants spend billions of dollars every year misleading the public and promoting the myth that smoking does not cause cardiovascular disease, lung cancer, emphysema and other diseases, and that smokers live healthy and vital lives. The tobacco defendants continue to promote smoking as an attractive, glamorous, youthful, and relaxing pastime, associating it with movie stars, athletes, and other successful professionals, including doctors.

62.

The defendants specifically target groups they deem especially susceptible to their efforts, including children. For example, the Joe Camel campaign waged by R.J. Reynolds is aimed at children. Over one million children are newly addicted to smoking every year in America. Such efforts by the defendants create more sales for their products; more injuries, illnesses, and deaths; and more health care costs for the State.

63.

The defendants' products are designed, manufactured, marketed and sold to be smoked and otherwise consumed by the consuming public.

64.

The defendants' products are unreasonably dangerous, hazardous, and toxic. They reach the consuming public in substantially the same condition in which they were originally manufactured, distributed, and sold by the defendants.

65.

The defendants' products and conduct are a cause-in-fact and legal cause of thousands of Louisiana deaths, injuries, and illnesses, and millions of dollars in State health-care and related expenditures.

66.

While the State and its agencies are struggling to pay for the health care costs of tobacco, the tobacco cartel continues to reap billions of dollars in profits from the sale of its products. Tax revenues generated by tobacco sales help defray only a tiny fraction of the relevant health care costs.

67.

In equity and fairness, it is the defendants, not the taxpayers of Louisiana, who should bear the costs of tobacco inflicted diseases. By avoiding and refusing to perform their own duties to stand financially responsible for the harm done by their tobacco products, the defendants wrongfully have forced the State of Louisiana to perform such duties. As a result, the defendants have been unjustly enriched at the expenses of the State and its taxpayers.

68.

Louisiana law prohibits the sale of tobacco products to children (persons under 18). The defendants have engaged in a concerted effort to circumvent and violate Louisiana law by targeting children with sophisticated and glamorous promotional schemes designed to create successive generations of addicted customers. It is virtually impossible for parents or law enforcement agencies to control the efforts of the defendants to make children into smokers and tobacco users.

69.

The defendants' continuing efforts to persuade children to use tobacco products cause irreparable injury to the State and to the children of Louisiana. These efforts are also in contravention of positive law.

70.

The defendants' handling and treatment of their products intentionally disregards the State's continuing loss and damage at defendants' hands, as well as constituting wanton and reckless disregard for the public safety.

71.

Plaintiff petitions the Court to award and/or set appropriate attorneys fees. WHEREFORE, plaintiff prays for:

(a) an injunction to be issued prohibiting the defendants from promoting the sale of their tobacco products to minors;

(b) compensatory damages in an amount sufficient to repay the State for the sums it has expended on account of the defendants' wrongful conduct;

(c) compensatory damages in an amount sufficient to compensate the State for the sums it will have to expend in the future on account of the defendants' wrongful conduct;

(d) punitive damages in an amount sufficient to punish the defendants for their conduct and to serve as an example to prevent a repetition of such conduct on the future;

(e) appropriate prejudgment and legal interest;

(f) attorneys fees

and

(g) all other legal, general, and equitable relief to which the plaintiff is entitled.

Respectfully submitted:

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