

**IN THE DISTRICT COURT OF APPEAL  
FOURTH DISTRICT OF FLORIDA**

**CASE No. 4D18-1730**

**L.T. No. CASE NO. 2008-CV-025807 (19)**

R.J. Reynolds Tobacco Company, et al.,

Defendants/Petitioners,

v.

James Santoro, as Personal Representative  
Of the Estate of Grace Santoro,

Plaintiff/Respondent.

\_\_\_\_\_/

**NOTICE TO INVOKE DISCRETIONARY JURISDICTION**

NOTICE IS GIVEN that R.J. Reynolds Tobacco Company, Liggett Group LLC, and Philip Morris USA Inc., Defendants/Petitioners, invoke the discretionary jurisdiction of the supreme court to review the decision of this court rendered on July 29, 2020. The decision expressly and directly conflicts with decisions of another district court of appeal or of the supreme court on the same question of law.

Respectfully submitted,

/s/ Val Leppert

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REYNOLDS TOBACCO COMPANY  
(filing on behalf of Defendants/Petitioners  
Philip Morris USA Inc. and Liggett  
Group LLC for purposes of this filing  
only)**

## **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was e-filed in this Court and served by electronic mail to all counsel listed below this 28th day of August, 2020.

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DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FOURTH DISTRICT

**PHILIP MORRIS USA INC., R.J. REYNOLDS TOBACCO COMPANY,**  
and **LIGGETT GROUP LLC,**  
Appellants,

v.

**JAMES SANTORO,** as successor as Personal Representative of the  
**ESTATE OF GRACE SANTORO,**  
Appellee.

No. 4D18-1730

[May 6, 2020]

Appeal and cross-appeal from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; John J. Murphy, III, Judge; L.T. Case Nos. 08-80000 (19), 2008-CV-025807 (19).

David F. Northrip, Maria Salcedo, and Laura K. Whitmore of Shook, Hardy & Bacon L.L.P., Kansas City, MO, and Geoffrey J. Michael of Arnold & Porter Kaye Scholer LLP, Washington, DC, for appellant Philip Morris USA Inc.

William L. Durham II and Val Leppert of King & Spalding LLP, Atlanta, GA, for appellant R.J. Reynolds Tobacco Company.

Kelly Anne Luther of Kasowitz Benson Torres LLP, Miami, for appellant Liggett Group LLC.

Justin Parafinczuk and Austin Carr of Koch Parafinczuk Wolf Susen, Fort Lauderdale, and Bard D. Rockenbach and Jeffrey V. Mansell of Burlington & Rockenbach, P.A., West Palm Beach, for appellee.

WARNER, J.

Philip Morris USA Inc., R.J. Reynolds Tobacco Company, and Liggett Group LLC (Tobacco Defendants) appeal a final judgment for damages entered in favor of James Santoro, as Successor Personal Representative of the Estate of Mrs. Grace Santoro (the Estate). Tobacco Defendants contend that the court erred in denying their motion for directed verdict

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