

No.

IN THE

Supreme Court of the United States

PHILIP MORRIS USA INC.,

Petitioner,

v.

JAMES NAUGLE, AS PERSONAL REPRESENTATIVE OF THE
ESTATE OF LUCINDA NAUGLE, DECEASED,

Respondent.

**On Petition For A Writ Of Certiorari
To The Florida Fourth District Court Of Appeal**

PETITION FOR A WRIT OF CERTIORARI

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QUESTIONS PRESENTED

This case presents questions also raised in the petition for a writ of certiorari filed today in *R.J. Reynolds Tobacco Co. v. Graham*, No. 17-__:

1. When there is no way to tell whether a prior jury found particular facts against a party, does due process permit those facts to be conclusively presumed against that party in subsequent litigation?

2. Are strict-liability and negligence claims based on the findings by the class-action jury in *Engle v. Liggett Group, Inc.* preempted by the many federal statutes that manifested Congress's intent that cigarettes continue to be lawfully sold in the United States?

**PARTIES TO THE PROCEEDING AND
RULE 29.6 STATEMENT**

The plaintiff below was Lucinda Naugle; after Ms. Naugle passed away, respondent James Naugle was substituted as the personal representative of her estate.

The defendant below was petitioner Philip Morris USA Inc. The complaint also named as defendants R.J. Reynolds Tobacco Co., Lorillard, Inc., Lorillard Tobacco Co., Liggett Group LLC, and Vector Group, Ltd., but those entities were dismissed before trial and were not parties to the appeal.

Petitioner Philip Morris USA Inc. is a wholly owned subsidiary of Altria Group, Inc., which is the only publicly held company that owns 10% or more of Philip Morris USA Inc.'s stock. No publicly held company owns 10% or more of Altria Group, Inc.'s stock.

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