

IN THE CIRCUIT COURT OF THE 17th  
JUDICIAL CIRCUIT IN AND FOR  
BROWARD COUNTY, FLORIDA

COMPLEX LITIGATION UNIT

CASE No: 08-80000 (19)

JUDGE JOHN J. MURPHY III

IN RE: ENGLE PROGENY CASES  
TOBACCO LITIGATION

Pertains to: John McCoy  
Case No.: 08-025806

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**PLAINTIFF'S AMENDED MOTION FOR ATTORNEYS' FEES and COSTS  
PURSUANT TO FLORIDA STATUTE §768.79<sup>1</sup>**

COMES NOW, the Plaintiff, **JOHN MCCOY as Personal Representative of the Estate of GLODINE MCCOY**, pursuant to Florida Statute §768.79, and hereby moves this Honorable Court for an Order awarding attorneys' fees, costs and expenses pursuant to Florida Statute §768.79 against the Defendants, **PHILIP MORRIS USA INC., R.J. REYNOLDS TOBACCO COMPANY as successor by merger to LORILLARD TOBACCO COMPANY, and R.J. REYNOLDS TOBACCO COMPANY**, and as grounds therefore states the following:

1. That on or about February 4, 2015, the Plaintiff, **JOHN MCCOY as Personal Representative of the Estate of GLODINE MCCOY**, served a Proposal for Settlement pursuant to Florida Statute §768.79, in the amount of **TWO HUNDRED THOUSAND AND 00/100 DOLLARS (\$200,000.00)**, as full and final settlement of all claims pending against the Defendant, **PHILIP MORRIS USA INC.**, in this lawsuit. (A copy of the Proposal for Settlement is attached hereto as Exhibit A.)

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<sup>1</sup> This motion is amended to reflect that R.J. Reynolds Tobacco Company is the successor by merger to Lorillard Tobacco Company.

2. That on or about February 4, 2015, the Plaintiff, **JOHN MCCOY as Personal Representative of the Estate of GLODINE MCCOY**, served a Proposal for Settlement pursuant to Florida Statute §768.79, in the amount of **TWO HUNDRED THOUSAND AND 00/100 DOLLARS (\$200,000.00)**, as full and final settlement of all claims pending against the Defendant, **LORILLARD TOBACCO COMPANY**, in this lawsuit. (A copy of the Proposal for Settlement is attached hereto as Exhibit B.) R.J. Reynolds Tobacco Company is the successor by merger to Lorillard Tobacco Company.

3. That on or about February 4, 2015, the Plaintiff, **JOHN MCCOY as Personal Representative of the Estate of GLODINE MCCOY**, served a Proposal for Settlement pursuant to Florida Statute §768.79, in the amount of **TWO HUNDRED THOUSAND AND 00/100 DOLLARS (\$200,000.00)**, as full and final settlement of all claims pending against the Defendant, **R.J. REYNOLDS TOBACCO COMPANY**, in this lawsuit. (A copy of the Proposal for Settlement is attached hereto as Exhibit C.)

4. That on or about July 24, 2014, the Plaintiff, **JOHN MCCOY as Personal Representative of the Estate of GLODINE MCCOY**, served a Proposal for Settlement pursuant to Florida Statute §768.79, in the amount of **TWO HUNDRED THOUSAND AND 00/100 DOLLARS (\$200,000.00)**, as full and final settlement of all claims pending against the Defendant, **PHILIP MORRIS USA INC.**, in this lawsuit. (A copy of the Proposal for Settlement is attached hereto as Exhibit D.)

5. That on or about July 24, 2014, the Plaintiff, **JOHN MCCOY as Personal Representative of the Estate of GLODINE MCCOY**, served a Proposal for Settlement pursuant to Florida Statute §768.79, in the amount of **TWO HUNDRED THOUSAND AND 00/100 DOLLARS (\$200,000.00)**, as full and final settlement of all claims pending against the

Defendant, **LORILLARD TOBACCO COMPANY**, in this lawsuit. (A copy of the Proposal for Settlement is attached hereto as Exhibit E.) R.J. Reynolds Tobacco Company is the successor by merger to Lorillard Tobacco Company.

6. That on or about July 24, 2014, the Plaintiff, **JOHN MCCOY as Personal Representative of the Estate of GLODINE MCCOY**, served a Proposal for Settlement pursuant to Florida Statute §768.79, in the amount of **TWO HUNDRED THOUSAND AND 00/100 DOLLARS (\$200,000.00)**, as full and final settlement of all claims pending against the Defendant, **R.J. REYNOLDS TOBACCO COMPANY**, in this lawsuit. (A copy of the Proposal for Settlement is attached hereto as Exhibit F.)

7. The Defendants rejected the Plaintiff's Proposals for Settlement despite the fact that the proposals were for less than the true value of the Plaintiff's claims and the Plaintiff was willing to compromise the true value of the claim in order to bring a resolution to this matter and avoid costly, painful and lengthy litigation.

8. This case was tried to a jury from June 22, 2015, to July 17, 2015. The jury returned a verdict in favor of the Plaintiff, in the amount of **TEN MILLION FIVE HUNDRED THOUSAND and 00/100 DOLLARS (\$10,500,000.00)**.

9. The resulting amended judgment exceeds the respective proposals for settlement as to each Defendant by at least twenty-five percent (25%).

10. The Defendants, **PHILIP MORRIS USA INC., R.J. REYNOLDS TOBACCO COMPANY as successor by merger to LORILLARD TOBACCO COMPANY**, and **R.J. REYNOLDS TOBACCO COMPANY**, unreasonably refused to accept the Plaintiff's Proposals for Settlement dated February 4, 2015, and July 24, 2014, and thereby unreasonably delayed and needlessly increased the cost of litigation in this case.

11. Plaintiff incurred attorneys' fees, costs and expenses in the prosecution of this case from the time that the Proposals for Settlement were rejected through the conclusion of the trial.

WHEREFORE, the Plaintiff, **JOHN MCCOY as Personal Representative of the Estate of GLODINE MCCOY**, respectfully moves this Court for an Order awarding attorneys' fees, costs, and expenses incurred in this litigation to the Plaintiff pursuant to Florida Statute §768.79, and for such other relief this Court deems just and proper.

### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent by email to Gordon James, III ([gordon.james@sedgwicklaw.com](mailto:gordon.james@sedgwicklaw.com)) and Eric L. Lundt ([eric.lundt@sedgwicklaw.com](mailto:eric.lundt@sedgwicklaw.com); [jonathan.thomas@sedgwicklaw.com](mailto:jonathan.thomas@sedgwicklaw.com)), Sedgwick, LLP, 2400 East Commercial Blvd., Suite 1100, Fort Lauderdale, Florida 33308; Stephanie E. Parker ([separker@jonesday.com](mailto:separker@jonesday.com); [preichert@jonesday.com](mailto:preichert@jonesday.com)), John F. Yarber ([jyarber@jonesday.com](mailto:jyarber@jonesday.com)), and John M. Walker ([jmwalker@jonesday.com](mailto:jmwalker@jonesday.com)), Jones Day, 1420 Peachtree Street, N.E., Suite 800, Atlanta, Georgia 30309; Mark F. Bideua ([bideaum@gtlaw.com](mailto:bideaum@gtlaw.com); [wpbengleassistant@gtlaw.com](mailto:wpbengleassistant@gtlaw.com); [flservice@gtlaw.com](mailto:flservice@gtlaw.com)), Greenberg, Traurig, P.A., 777 S. Flagler Drive, Suite 300-East, West Palm Beach, Florida 33401; Geri Howell ([ghowell@shb.com](mailto:ghowell@shb.com); [shbpmattybroward@shb.com](mailto:shbpmattybroward@shb.com)), Shook, Hardy & Bacon, LLP, Miami Center, 201 S. Biscayne Boulevard, Suite 2400, Miami, Florida 33131; William L. Durham ([bdurham@kslaw.com](mailto:bdurham@kslaw.com)), Chad A. Peterson ([cpeterson@kslaw.com](mailto:cpeterson@kslaw.com)), Val Leppert ([kstobacco@kslaw.com](mailto:kstobacco@kslaw.com)), Jason E. Keefus ([jkeefus@kslaw.com](mailto:jkeefus@kslaw.com)) and Kathryn S. Lehman ([klehman@kslaw.com](mailto:klehman@kslaw.com)), King & Spaulding, LLP, 1180 Peachtree Street, N.E., Atlanta, Georgia 30309; Jeffrey L. Furr ([jfurr@kslaw.com](mailto:jfurr@kslaw.com)) and Cory Hohnbaum ([chohnbaum@kslaw.com](mailto:chohnbaum@kslaw.com); [cmontuoro@kslaw.com](mailto:cmontuoro@kslaw.com);

kstobacco@kslaw.com); Tina M. Schaefer (tina.schaefer@hugheshubbard.com), David M. Woods (david.woods@hugheshubbard.com), and Kelly H. Foos (Kelly.foos@hugheshubbard.com), Hughes Hubbard & Reed, LLC, 2345 Grand Blvd., Suite 2000, Kansas City, Missouri 64108; Stacey Deere (sdeere@shb.com), Timothy Congrove (tcongrove@shb.com), Bruce Tepikian (btepikian@shb.com; shbpmattybroward@shb.com) and Jennifer N. Blues (jblues@shb.com), Shook, Hardy & Bacon, LLP, 2555 Grand Blvd., Kansas City, Missouri 64108; Sabrina R. Ferris (ferriss@gtlaw.com; ftlengle@gtlaw.com; flservice@gtlaw.com) and Eliot Pedrosa, Greenberg Traurig, P.A., 333 Avenue of the Americas, 44th Floor, Miami, Florida 33131; and Paul Reichert (preichert@jonesday.com), Jones Day, 51 Louisiana Ave., N.W., Washington, D.C. 20001, on this 27 day of January 2016.

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JONATHAN R. GDANSKI  
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# EXHIBIT

## A

IN THE CIRCUIT COURT OF THE 17TH  
JUDICIAL CIRCUIT IN AND FOR  
BROWARD COUNTY, FLORIDA

COMPLEX LITIGATION UNIT

CASE NO. 08-80000 (19)

JUDGE JACK TUTER

IN RE: ENGLE PROGENY CASES  
TOBACCO LITIGATION

Pertains to: John McCoy  
Case No.: 08-025806

---

**PROPOSAL FOR SETTLEMENT TO**  
**DEFENDANT PHILIP MORRIS U.S.A., INC.**

Plaintiff, **JOHN MCCOY** as Personal Representative of the Estate of **GLODINE MCCOY**, by and through undersigned counsel, hereby serves this Proposal for Settlement to Defendant **PHILIP MORRIS U.S.A., INC.**, pursuant to Florida Rule of Civil Procedure 1.442 and Fla. Stat. §768.79. The Proposal for Settlement is as follows:

- A. **PARTY MAKING PROPOSAL FOR SETTLEMENT:** Plaintiff, **JOHN MCCOY** as Personal Representative of the Estate of **GLODINE MCCOY**, (hereinafter referred to as "Plaintiff").
- B. **PARTY TO WHOM THE PROPOSAL FOR SETTLEMENT IS BEING MADE:** Defendant, **PHILIP MORRIS U.S.A., INC.**, (hereinafter referred to as "this Defendant").
- C. **DAMAGES TO BE RESOLVED:** This Proposal for Settlement resolves all damages that would otherwise be awarded in a final judgment in this action between Plaintiff and this Defendant only, subject to subdivision "F" below.
- D. **TOTAL AMOUNT OF PROPOSAL FOR SETTLEMENT:** \$200,000.00, paid by this Defendant to the Plaintiff. Upon the Plaintiff's receipt of this total amount, Plaintiff will voluntarily dismiss this Defendant from this action with prejudice.

E. PORTION OF TOTAL AMOUNT OF PROPOSAL FOR SETTLEMENT TO SETTLE THE PLAINTIFF'S CLAIM FOR PUNITIVE DAMAGES AGAINST THIS DEFENDANT: \$50,000.

F. ATTORNEY'S FEES [  Are ] [  Are Not ] A PART OF THE PLAINTIFF'S CLAIMS AGAINST THIS DEFENDANT.

ATTORNEY'S FEES [  Are ] [  Are Not ] INCLUDED IN THIS PROPOSAL FOR SETTLEMENT.

**CERTIFICATE OF SERVICE**

I hereby further certify that a true and correct copy of the foregoing was served by electronic mail to Counsel of Record listed on the attached Service List, this 4th day of February 2015.

**SCHLESINGER LAW OFFICES, P.A.**

*Attorneys for Plaintiff*  
1212 Southeast Third Avenue  
Fort Lauderdale, FL 33316  
Telephone (954) 320-9507  
Facsimile (954) 320-9509

By: \_\_\_\_\_  
Jonathan R. Gdanski  
Florida Bar No: 0032097



**EXHIBIT**  
**B**

IN THE CIRCUIT COURT OF THE 17TH  
JUDICIAL CIRCUIT IN AND FOR  
BROWARD COUNTY, FLORIDA

COMPLEX LITIGATION UNIT

CASE NO. 08-80000 (19)

JUDGE JACK TUTER

IN RE: ENGLE PROGENY CASES  
TOBACCO LITIGATION

Pertains to: John McCoy  
Case No.: 08-025806

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**PROPOSAL FOR SETTLEMENT TO  
DEFENDANT LORILLARD TOBACCO COMPANY**

Plaintiff, **JOHN MCCOY** as Personal Representative of the Estate of **GLODINE MCCOY**, by and through undersigned counsel, hereby serves this Proposal for Settlement to Defendant **LORILLARD TOBACCO COMPANY**, pursuant to Florida Rule of Civil Procedure 1.442 and Fla. Stat. §768.79. The Proposal for Settlement is as follows:

- A. **PARTY MAKING PROPOSAL FOR SETTLEMENT:** Plaintiff, **JOHN MCCOY** as Personal Representative of the Estate of **GLODINE MCCOY**, (hereinafter referred to as "Plaintiff").
- B. **PARTY TO WHOM THE PROPOSAL FOR SETTLEMENT IS BEING MADE:** Defendant, **LORILLARD TOBACCO COMPANY**, (hereinafter referred to as "this Defendant").
- C. **DAMAGES TO BE RESOLVED:** This Proposal for Settlement resolves all damages that would otherwise be awarded in a final judgment in this action between Plaintiff and this Defendant only, subject to subdivision "F" below.
- D. **TOTAL AMOUNT OF PROPOSAL FOR SETTLEMENT:** \$200,000.00, paid by this Defendant to the Plaintiff. Upon the Plaintiff's receipt of this total amount, Plaintiff will voluntarily dismiss this Defendant from this action with prejudice.

E. PORTION OF TOTAL AMOUNT OF PROPOSAL FOR SETTLEMENT TO SETTLE THE PLAINTIFF'S CLAIM FOR PUNITIVE DAMAGES AGAINST THIS DEFENDANT: \$50,000.

F. ATTORNEY'S FEES [  Are ] [  Are Not ] A PART OF THE PLAINTIFF'S CLAIMS AGAINST THIS DEFENDANT.

ATTORNEY'S FEES [  Are ] [  Are Not ] INCLUDED IN THIS PROPOSAL FOR SETTLEMENT.

**CERTIFICATE OF SERVICE**

I hereby further certify that a true and correct copy of the foregoing was served by electronic mail to Counsel of Record listed on the attached Service List, this 4th day of February 2015.

**SCHLESINGER LAW OFFICES, P.A.**

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Facsimile (954) 320-9509

By: \_\_\_\_\_

Jonathan R. Gdanski  
Florida Bar No: 0032097

# EXHIBIT C

IN THE CIRCUIT COURT OF THE 17TH  
JUDICIAL CIRCUIT IN AND FOR  
BROWARD COUNTY, FLORIDA

COMPLEX LITIGATION UNIT

CASE NO. 08-80000 (19)

JUDGE JACK TUTER

IN RE: ENGLE PROGENY CASES  
TOBACCO LITIGATION

Pertains to: John McCoy  
Case No.: 08-025806

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**PROPOSAL FOR SETTLEMENT TO  
DEFENDANT R.J. REYNOLDS TOBACCO COMPANY**

Plaintiff, **JOHN MCCOY** as Personal Representative of the Estate of **GLODINE MCCOY**, by and through undersigned counsel, hereby serves this Proposal for Settlement to Defendant **R.J. REYNOLDS TOBACCO COMPANY**, pursuant to Florida Rule of Civil Procedure 1.442 and Fla. Stat. §768.79. The Proposal for Settlement is as follows:

- A. **PARTY MAKING PROPOSAL FOR SETTLEMENT:** Plaintiff, **JOHN MCCOY** as Personal Representative of the Estate of **GLODINE MCCOY**, (hereinafter referred to as "Plaintiff").
- B. **PARTY TO WHOM THE PROPOSAL FOR SETTLEMENT IS BEING MADE:** Defendant, **R.J. REYNOLDS TOBACCO COMPANY**, (hereinafter referred to as "this Defendant").
- C. **DAMAGES TO BE RESOLVED:** This Proposal for Settlement resolves all damages that would otherwise be awarded in a final judgment in this action between Plaintiff and this Defendant only, subject to subdivision "F" below.
- D. **TOTAL AMOUNT OF PROPOSAL FOR SETTLEMENT:** \$200,000.00, paid by this Defendant to the Plaintiff. Upon the Plaintiff's receipt of this total amount, Plaintiff will voluntarily dismiss this Defendant from this action with prejudice.

E. PORTION OF TOTAL AMOUNT OF PROPOSAL FOR SETTLEMENT TO SETTLE THE PLAINTIFF'S CLAIM FOR PUNITIVE DAMAGES AGAINST THIS DEFENDANT: \$50,000.

F. ATTORNEY'S FEES [  Are ] [  Are Not ] A PART OF THE PLAINTIFF'S CLAIMS AGAINST THIS DEFENDANT.

ATTORNEY'S FEES [  Are ] [  Are Not ] INCLUDED IN THIS PROPOSAL FOR SETTLEMENT.

**CERTIFICATE OF SERVICE**

I hereby further certify that a true and correct copy of the foregoing was served by electronic mail to Counsel of Record listed on the attached Service List, this 4th day of February 2015.

**SCHLESINGER LAW OFFICES, P.A.**

*Attorneys for Plaintiff*

1212 Southeast Third Avenue

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Telephone (954) 320-9507

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By: \_\_\_\_\_

Jonathan R. Gdanski

Florida Bar No: 0032097

# EXHIBIT D

IN THE CIRCUIT COURT OF THE 17TH  
JUDICIAL CIRCUIT IN AND FOR  
BROWARD COUNTY, FLORIDA

COMPLEX LITIGATION UNIT

CASE NO. 08-80000 (19)

JUDGE JACK TUTER

IN RE: ENGLE PROGENY CASES  
TOBACCO LITIGATION

Pertains to: John McCoy  
Case No.: 08-025806

**PROPOSAL FOR SETTLEMENT TO  
DEFENDANT PHILIP MORRIS U.S.A., INC.**

Plaintiff, **JOHN MCCOY** as Personal Representative of the Estate of **GLODINE MCCOY**, by and through undersigned counsel, hereby serves this Proposal for Settlement to Defendant **PHILIP MORRIS U.S.A., INC.**, pursuant to Florida Rule of Civil Procedure 1.442 and Fla. Stat. §768.79. The Proposal for Settlement is as follows:

- A. **PARTY MAKING PROPOSAL FOR SETTLEMENT:** Plaintiff, **JOHN MCCOY** as Personal Representative of the Estate of **GLODINE MCCOY**, (hereinafter referred to as "Plaintiff").
- B. **PARTY TO WHOM THE PROPOSAL FOR SETTLEMENT IS BEING MADE:** Defendant, **PHILIP MORRIS U.S.A., INC.**, (hereinafter referred to as "this Defendant").
- C. **DAMAGES TO BE RESOLVED:** This Proposal for Settlement resolves all damages that would otherwise be awarded in a final judgment in this action between Plaintiff and this Defendant only, subject to subdivision "F" below.
- D. **TOTAL AMOUNT OF PROPOSAL FOR SETTLEMENT:** \$200,000.00, paid by this Defendant to the Plaintiff. Upon the Plaintiff's receipt of this total amount, Plaintiff will voluntarily dismiss this Defendant from this action with prejudice.



E. PORTION OF TOTAL AMOUNT OF PROPOSAL FOR SETTLEMENT TO SETTLE THE PLAINTIFF'S CLAIM FOR PUNITIVE DAMAGES AGAINST THIS DEFENDANT: \$50,000.

F. ATTORNEY'S FEES [  Are] [  Are Not] A PART OF THE PLAINTIFF'S CLAIMS AGAINST THIS DEFENDANT.

ATTORNEY'S FEES [  Are] [  Are Not] INCLUDED IN THIS PROPOSAL FOR SETTLEMENT.

**CERTIFICATE OF SERVICE**

I hereby certify that on the ~~24th~~ day of July 2014, the foregoing document was served on Geri Howell, Esq., SHOOK, HARDY & BACON, 201 S. Biscayne Boulevard, Suite 2400, Miami, FL 33131 counsel for PHILIP MORRIS U.S.A., INC., via U.S. Certified Mail.

**SCHLESINGER LAW OFFICES, P.A.**

*Attorneys for Plaintiff*  
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Fort Lauderdale, FL 33316  
Telephone (954) 320-9507  
Facsimile (954) 320-9509

By: \_\_\_\_\_

Jonathan R. Gdanski  
Florida Bar No: 0032097

# EXHIBIT E

IN THE CIRCUIT COURT OF THE 17TH  
JUDICIAL CIRCUIT IN AND FOR  
BROWARD COUNTY, FLORIDA

COMPLEX LITIGATION UNIT

CASE NO. 08-80000 (19)

JUDGE JACK TUTER

IN RE: ENGLE PROGENY CASES  
TOBACCO LITIGATION

Pertains to: John McCoy  
Case No.: 08-025806

**PROPOSAL FOR SETTLEMENT TO**  
**DEFENDANT LORILLARD TOBACCO COMPANY**

Plaintiff, **JOHN MCCOY** as Personal Representative of the Estate of **GLODINE MCCOY**, by and through undersigned counsel, hereby serves this Proposal for Settlement to Defendant **LORILLARD TOBACCO COMPANY**, pursuant to Florida Rule of Civil Procedure 1.442 and Fla. Stat. §768.79. The Proposal for Settlement is as follows:

- A. **PARTY MAKING PROPOSAL FOR SETTLEMENT:** Plaintiff, **JOHN MCCOY** as Personal Representative of the Estate of **GLODINE MCCOY**, (hereinafter referred to as "Plaintiff").
- B. **PARTY TO WHOM THE PROPOSAL FOR SETTLEMENT IS BEING MADE:** Defendant, **LORILLARD TOBACCO COMPANY**, (hereinafter referred to as "this Defendant").
- C. **DAMAGES TO BE RESOLVED:** This Proposal for Settlement resolves all damages that would otherwise be awarded in a final judgment in this action between Plaintiff and this Defendant only, subject to subdivision "F" below.
- D. **TOTAL AMOUNT OF PROPOSAL FOR SETTLEMENT:** \$200,000.00, paid by this Defendant to the Plaintiff. Upon the Plaintiff's receipt of this total amount, Plaintiff will voluntarily dismiss this Defendant from this action with prejudice.

E. PORTION OF TOTAL AMOUNT OF PROPOSAL FOR SETTLEMENT TO SETTLE THE PLAINTIFF'S CLAIM FOR PUNITIVE DAMAGES AGAINST THIS DEFENDANT: \$50,000.

F. ATTORNEY'S FEES [ \_\_\_ Are] [  Are Not] A PART OF THE PLAINTIFF'S CLAIMS AGAINST THIS DEFENDANT.

ATTORNEY'S FEES [ \_\_\_ Are] [  Are Not] INCLUDED IN THIS PROPOSAL FOR SETTLEMENT.

**CERTIFICATE OF SERVICE**

I hereby certify that on the 24<sup>th</sup> day of July 2014, the foregoing document was served on Mark F. Bideau, Esq. from Greenberg, Traurig, P.A., 333 Avenue of the Americas, Miami, FL 33131 counsel for **LORILLARD TOBACCO COMPANY**, via U.S. Certified Mail.

**SCHLESINGER LAW OFFICES, P.A.**

*Attorneys for Plaintiff*

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Fort Lauderdale, FL 33316

Telephone (954) 320-9507

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By: \_\_\_\_\_

Jonathan R. Gdanski

Florida Bar No: 0032097

**EXHIBIT**  
**F**

IN THE CIRCUIT COURT OF THE 17TH  
JUDICIAL CIRCUIT IN AND FOR  
BROWARD COUNTY, FLORIDA

COMPLEX LITIGATION UNIT

CASE NO. 08-80000 (19)

JUDGE JACK TUTER

IN RE: ENGLE PROGENY CASES  
TOBACCO LITIGATION

Pertains to: John McCoy  
Case No.: 08-025806

**PROPOSAL FOR SETTLEMENT TO**  
**DEFENDANT R.J. REYNOLDS TOBACCO COMPANY**

Plaintiff, **JOHN MCCOY** as Personal Representative of the Estate of **GLODINE MCCOY**, by and through undersigned counsel, hereby serves this Proposal for Settlement to Defendant **R.J. REYNOLDS TOBACCO COMPANY**, pursuant to Florida Rule of Civil Procedure 1.442 and Fla. Stat. §768.79. The Proposal for Settlement is as follows:

- A. **PARTY MAKING PROPOSAL FOR SETTLEMENT:** Plaintiff, **JOHN MCCOY** as Personal Representative of the Estate of **GLODINE MCCOY**, (hereinafter referred to as "Plaintiff").
- B. **PARTY TO WHOM THE PROPOSAL FOR SETTLEMENT IS BEING MADE:** Defendant, **R.J. REYNOLDS TOBACCO COMPANY**, (hereinafter referred to as "this Defendant").
- C. **DAMAGES TO BE RESOLVED:** This Proposal for Settlement resolves all damages that would otherwise be awarded in a final judgment in this action between Plaintiff and this Defendant only, subject to subdivision "F" below.
- D. **TOTAL AMOUNT OF PROPOSAL FOR SETTLEMENT:** \$200,000.00, paid by this Defendant to the Plaintiff. Upon the Plaintiff's receipt of this total amount, Plaintiff will voluntarily dismiss this Defendant from this action with prejudice.

E. PORTION OF TOTAL AMOUNT OF PROPOSAL FOR SETTLEMENT TO SETTLE THE PLAINTIFF'S CLAIM FOR PUNITIVE DAMAGES AGAINST THIS DEFENDANT: \$50,000.

F. ATTORNEY'S FEES [  Are ] [  Are Not ] A PART OF THE PLAINTIFF'S CLAIMS AGAINST THIS DEFENDANT.

ATTORNEY'S FEES [  Are ] [  Are Not ] INCLUDED IN THIS PROPOSAL FOR SETTLEMENT.

**CERTIFICATE OF SERVICE**

I hereby certify that on the 21<sup>st</sup> day of July 2014, the foregoing document was served on Eric L. Lundt, Esq., from Sedgwick, LLP, 2400 East Commercial Blvd., Suite 1100, Fort Lauderdale, FL 33308 and John Yarber, Esq., Jones Day, 1420 Peachtree Street N.E., Suite 800, Atlanta, GA 30309 counsel for **R.J. REYNOLDS TOBACCO COMPANY** via U.S. Certified Mail.

**SCHLESINGER LAW OFFICES, P.A.**

*Attorneys for Plaintiff*  
1212 Southeast Third Avenue  
Fort Lauderdale, FL 33316  
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Facsimile (954) 320-9509

By: \_\_\_\_\_

Jonathan R. Gdanski  
Florida Bar No: 0032097