

Court Revives Korein Tillery's Class-Action Tobacco Case with \$10 Billion Verdict

ST. LOUIS--(BUSINESS WIRE)--February 27, 2011--

The tobacco case that led to a landmark \$10 billion verdict against cigarette maker Philip Morris in a class-action lawsuit filed by Korein Tillery has been reinstated by an appellate court more than five years after it was dismissed on an order by the Illinois Supreme Court. In an extremely rare and remarkable turn of events, the Fifth District Appellate Court of Illinois on Feb. 24 remanded *Price v. Philip Morris* to the trial court in Madison County for further proceedings.

The Appellate Court ruling came only on the issue of the timeliness of Korein Tillery's appeal of the dismissal of the case by the trial court in 2006 when it acted under specific instructions by the Illinois Supreme Court. The effect of the ruling, however, is to revive the case and to allow Korein Tillery to argue that a decision by the U.S. Supreme Court in December 2008 in a factually similar case against the company that owns Philip Morris -- *Altria Group Inc. v. Good* -- proves that the Illinois Supreme Court decision was in error.

In a prepared statement, Stephen M. Tillery of Korein Tillery said: "Since the U.S. Supreme Court entered its ruling in *Altria Group Inc. v. Good* in December 2008, we have believed that the Illinois Supreme Court erred in reversing the \$10 billion class-action verdict in favor of our clients in the *Price v. Philip Morris* case in Madison County in 2005. This ruling by the Fifth District Appellate Court reinstating *Price* in Madison County gives us the opportunity to prove that point."

Here is a timeline of court rulings to put the Appellate Court decision into context:

March 31, 2003. After a three-month bench trial in Madison County Circuit Court, the trial judge entered a verdict of \$10 billion against Philip Morris (owned by Altria Group Inc.) in favor of a class of plaintiffs. Korein Tillery argued the plaintiffs were harmed by deceptive advertising by Philip Morris when it claimed that cigarettes it called "light" or "low tar or nicotine" or "reduced" cigarettes were safer than regular cigarettes when the company knew they were not safer.

December 15, 2005. Ruling on Philip Morris's appeal that bypassed the Appellate Court, the Illinois Supreme Court reversed the verdict based on Philip Morris's claim that the Federal Trade Commission (FTC) had authorized cigarette companies to use "light, low or reduced" in descriptions of cigarettes.

November 27, 2006. The U.S. Supreme Court refused Korein Tillery's request to hear an appeal of the

Illinois Supreme Court reversal.

December 18, 2006. In accordance with the order from the Illinois Supreme Court reversal, the trial court in Madison County dismissed the suit.

December 15, 2008. In a case very similar to Price v. Philip Morris, the U.S. Supreme Court rules in Altria Group Inc v. Good that the FTC never authorized cigarette makers to use the "light, low, or reduced" terms for the cigarettes. The FTC had denied authorizing such terms. The Court reversed a dismissal of the suit.

December 18, 2008. Just three days after the U.S. Supreme Court decision, Korein Tillery filed an appeal with the Fifth District Appellate Court arguing that the decision in Good showed that the Illinois Supreme Court erred in reversing the verdict based on the claim that the FTC had authorized Philip Morris (Altria) to use the specific terms suggesting their cigarettes were safer. After the trial court ruled that the petition was not timely, an appeal was taken to the Fifth District Court of Appeals.

Feb. 24, 2011. The Appellate Court ruled in favor of Korein Tillery and rejected Philip Morris's argument that Korein Tillery's appeal wasn't filed within two years of the Illinois Supreme Court decision on November 2006. The Appellate Court ruled that Korein Tillery had two years after the trial court dismissed the case on December 18, 2006, to file an appeal, and that its appeal on December 18, 2008, was filed in time. The Appellate Court reversed the trial court's dismissal of the case and remanded it to the trial court "for further proceedings," which are not specified.

Due to the revived status of the Price v. Philip Morris case, Mr. Tillery will not answer media questions nor make additional comments at this time. The defendant is entitled to appeal this new order to the Illinois Supreme Court and Korein Tillery will await further court action before discussing next steps or the merits of the case.

Korein Tillery is a an AV-rated, award-winning class action law firm with offices in St. Louis and Chicago that has recovered billions of dollars in verdicts and settlements in a variety of cases across the country involving pension funds, insurance, securities, antitrust, telecommunications, pharmaceuticals, environmental contamination, tobacco, computer technology, and consumer fraud. Perhaps best known for its \$10 billion trial verdict against Philip Morris, the firm has gained a national reputation for aggressively and successfully pursuing a wide variety of complex cases on behalf of its clients. Korein Tillery was named by the National Law Journal to its "Plaintiffs' Hot List" in 2003, 2004, 2007, and 2008 as one of the top plaintiffs' law firms in all specialties. More information is available at www.koreintillery.com.

CONTACT: Korein Tillery
Charlie Bosworth, Director of Communications,

314-241-4844

Cell: 618-660-5229

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