

SUPREME COURT DECISION PROMPTS MOVE TO RE-OPEN PHILIP MORRIS LAWSUIT

(St. Louis, MO. December 18, 2008)

On Thursday, December 18, 2008, St. Louis attorney Stephen Tillery of Korein Tillery filed a motion in the case of *Price v. Philip Morris* (Madison County, Illinois Circuit Court, cause No. 00-L-112) to re-open the \$10.1 billion judgment in *Price v. Philip Morris* based on a decision of the U.S. Supreme Court rendered earlier this week. On Monday the Supreme Court decided the case of *Altria v. Good*, holding that federal law does not prohibit state law consumer fraud claims based on fraudulent “light” cigarette descriptors. For years Philip Morris has defended dozens of lawsuits by claiming that the Federal Trade Commission approved and authorized low tar cigarette descriptors like “Light” or “Lowered Tar and Nicotine.” In its December 15, 2005 decision reversing the \$10.1 billion judgment in *Price*, the Illinois Supreme Court ruled that the FTC authorized Philip Morris to use the words Lights and Lowered Tar and Nicotine on Marlboro Lights cigarettes and ordered the consumer fraud case dismissed.

The U.S. Supreme Court ruled this week that claims like those made in *Price v. Philip Morris* could proceed. In the process of ruling in the *Good* case, the U.S. Supreme Court held that low tar descriptors were never authorized by the FTC, effectively overruling the decision in *Price*.

“The final order dismissing the *Price* case was not actually entered until December 18, 2006. When it ruled earlier this week, the U.S. Supreme Court decision came just a couple of days before the two year deadline under Illinois law which allows challenges to set aside judgments,” said Stephen Tillery.

The motion filed in the *Price* case seeks an order vacating the 2005 Illinois Supreme Court ruling. Such an order would revive the *Price* lawsuit.

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