

[U.S. Supreme Court Ends Long-Running Standoff With Oregon Supreme Court Over Punitive Damages](#)

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On March 31, the U.S. Supreme Court ended a long-running standoff with the Oregon Supreme Court over the handling of a punitive damages suit against Philip Morris brought by the widow of a smoker who died from lung cancer in 1997. In a rare procedural move, despite conducting oral argument months ago, the Supreme Court, in a one-sentence opinion, dismissed the case of *Philip Morris USA Inc. v. Williams* as "improvidently granted."

Williams' husband died in March 1997 of cancer after years of smoking Marlboro cigarettes, one of Philip Morris' brands. She sued, winning compensatory damages of \$821,485.50 and punitive damages totaling \$79.5 million. The compensatory award was reduced to \$521,485 under an Oregon law capping damages for wrongful death. The judge also reduced the punitive award to \$32 million, but the Oregon Court of Appeals restored the full amount of that award. That decision led to Philip Morris' first of three appeals to the Supreme Court. Each time, the Oregon Supreme Court reaffirmed the verdict. The last time the state Supreme Court looked the case (after a 2007 remand), it stated that it did not need to consider the constitutional questions the Supreme Court had returned to it because it found an adequate basis under state law for sustaining the verdict. That basis was a finding that Philip Morris had erred in seeking a jury instruction.

The Supreme Court, in granting review last June 9, agreed to hear only the issue of whether the Oregon Supreme Court was wrong in invoking a procedural bar, for the first time, to sustain the jury's award. That is the issue on which the Justices said they had erred in agreeing to decide it. The Court issued the opinion "Per Curiam" (by the Court) rather than in the name of a Justice.

With interest on the standing verdict, Williams may now be entitled to \$150,000,000.