

IN THE SUPREME COURT OF FLORIDA

TALLAHASSEE, FLORIDA

CASE NO. SC2022-1038

BRYAN RINTOUL, as Personal
Representative of the ESTATE
OF EDWARD CAPRIO,

Petitioner,

v.

PHILIP MORRIS USA INC. and
R.J. REYNOLDS TOBACCO
COMPANY,

Respondents.

_____ /

**PETITIONER'S REPLY TO RESPONDENTS'
RESPONSE TO ORDER TO SHOW CAUSE**

Petitioner agrees that this Court should accept jurisdiction based on *Ripple*. Contrary to the position taken by Respondents, however, Petitioner asks that this Court also resolve the issue decided by the Fourth District concerning the admissibility of evidence that PM USA acted in concert with JUUL to promote the use of JUUL products.

Once this Court accepts jurisdiction over a cause in order to resolve a legal issue in conflict, the Court may, in its discretion,

consider other issues properly raised and argued. *Savoie v. State*, 422 So.2d 308, 310 (Fla. 1982). The issue of whether the trial court was within its discretion to admit evidence of PM USA's cooperation with JUUL to promote JUUL's products through the sale of its cigarettes by including coupons for the purchase of JUUL products is relevant and not unfairly prejudicial. The Fourth District incorrectly held that such evidence violated the corporate structure without first showing a basis to pierce the corporate veil. *Philip Morris USA, Inc. v. Rintoul*, 342 So.3d 656, 663 (Fla. 4th DCA 2022). Although both entities were owned by the same parent company, Altria, Respondents' evidence concerned the conduct of PM USA only, not the conduct of the parent company individually. The Fourth District's decision misapplied *Humana Health Insurance Co. of Florida v. Chipps*, 802 So.2d 492 (Fla. 4th DCA 2001) and disregarded the trial court's discretion over issues of evidence.

Petitioner requests that after accepting jurisdiction over this case, the Court order briefing of the JUUL evidence issue and decide that issue as well.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing was furnished to all counsel on the attached service list, by email, on July 3, 2024.

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