

IN THE SUPREME COURT OF FLORIDA

LINDA PRENTICE, AS PERSONAL
REPRESENTATIVE OF THE ESTATE OF
JOHN C. PRICE,

Petitioner,

Case No.: SC20-291
L.T. No.: 1D17-2104

v.

R.J. REYNOLDS TOBACCO CO.,

Respondent.

_____/

**R.J. REYNOLDS TOBACCO COMPANY'S RESPONSE TO
MS. PRENTICE'S MOTION FOR APPELLATE ATTORNEYS' FEES**

Respondent R.J. Reynolds Tobacco Company, pursuant to Florida Rule of Appellate Procedure 9.300(a), responds to Petitioner Linda Prentice's motion for appellate attorneys' fees, on the grounds set forth below:

1. On March 1, 2021, Ms. Prentice moved this Court for an award of appellate attorneys' fees against Reynolds, conditioned on her prevailing on appeal. Her motion is based on a proposal of settlement that she served in the trial court proceedings.

2. Although Reynolds agrees that Ms. Prentice will be entitled to appellate attorneys' fees and costs if the jury award is affirmed on appeal, even if the award were affirmed, Reynolds would likely

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challenge the *amount* Ms. Prentice seeks to recover as appellate attorneys' fees and costs expended in this matter.

3. Accordingly, even if Ms. Prentice succeeds in having the jury award affirmed, any award of appellate attorneys' fees should be conditioned on a further ruling that Ms. Prentice is entitled to an amount of appellate fees and costs deemed reasonable after full consideration of the evidence.

In sum, Reynolds respectfully requests that this Court condition any award of appellate attorneys' fees, should Ms. Prentice prevail on appeal, on Ms. Prentice obtaining a further order determining that she is entitled to an amount of appellate attorneys' fees deemed reasonable based on a consideration of the evidence.

Respectfully submitted,

/s/ Marie A. Borland

Troy A. Fuhrman

Florida Bar No. 985211

Marie A. Borland

Florida Bar No. 0847984

HILL WARD HENDERSON

101 East Kennedy Blvd., Suite 3700

Tampa, FL 33601

Telephone: (813) 221-3900

Facsimile: (813) 221-2900

troy.fuhrman@hwhlaw.com

marie.borland@hwhlaw.com

reynolds@hwhlaw.com

Charles R.A. Morse
Florida Bar No. 91561
JONES DAY
250 Vesey Street
New York, NY 10281-1047
Telephone: (212) 326-7847
cramorse@jonesday.com

Jason T. Burnette
Florida Bar No. 125200
Brian Charles Lea
Florida Bar No. 1011371
JONES DAY
1420 Peachtree Street, N.E.,
Suite 800
Atlanta, GA 30309-3053
Telephone: (404) 581-8724
Facsimile: (404) 581-8300
jtburnette@jonesday.com

Counsel for Respondent R.J. Reynolds Tobacco Company

CERTIFICATE OF SERVICE

I certify that on March 11, 2021, a copy of this response was e-filed with the Court and e-mailed to the following:

Counsel for Petitioner

Gregory D. Prysock
Florida Bar No. 0062420
Katherine M. Massa
Florida Bar No. 0078316
Antonio Luciano
Florida Bar No. 105342
MORGAN & MORGAN, P.A.
76 S. Laura Street, Suite
1100
Jacksonville, FL 33202
(904) 398-2722
gprysock@forthepeople.com
kmassa@forthepeople.com
tluciano@forthepeople.com

Keith R. Mitnik
Florida Bar No. 0436127
MORGAN & MORGAN, P.A.
P.O. Box 7979
Orlando, FL 32808
(407) 849-2383
kmitnik@forthepeople.com

Celene H. Humphries
Florida Bar No. 884881
Thomas J. Seider
Florida Bar No. 86238
Shea T. Moxon
Florida Bar No. 12564
BRANNOCK HUMPHRIES &
BERMAN

*Counsel for Amicus Philip Morris
USA*

Jesse Pannuccio
BOIES SCHILLER FLEXNER LLP
401 E. Las Olas Blvd., Suite 1200
Ft. Lauderdale, FL 33301
jpanuccio@bsfllp.com

Geoffrey J. Michael
ARNOLD & PORTER KAYE SCHOLER
LLP
601 Massachusetts Ave. N.W.
Washington, DC 20001
geoffrey.michael@arnoldporter.com

*Counsel for Amicus Florida Justice
Reform Institute*

William W. Large
FLORIDA JUSTICE REFORM INSTITUTE
210 S. Monroe Street
Tallahassee, FL 32301
william@fljustice.org

Christine R. Davis
Joseph H. Lang, Jr.
CARLTON FIELDS, P.A.
215 S. Monroe Street, Suite 500
Tallahassee, FL 32301
cdavis@carltonfields.com
jlang@carltonfields.com
sdouglas@carltonfields.com
kathompson@carltonfields.com
tpaecf@cfdom.net

1111 W. Cass Street, Suite
200
Tampa, FL 33606
(813) 223-4300
chumphries@bhappeals.com
tseider@bhappeals.com
smoxon@bhappeals.com
tobacco@bhappeals.com

/s/ Marie A. Borland

*Counsel for Respondent R.J.
Reynolds Tobacco Company*