

IN THE SUPREME COURT OF FLORIDA
No. SC21-175

BRINDA COATES, as personal
representative of the estate of
LOIS STUCKY,

Petitioner,

v.

R.J. REYNOLDS TOBACCO CO.,

Respondent.

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**MOTION OF WASHINGTON LEGAL FOUNDATION FOR LEAVE TO
APPEAR AS AMICUS CURIAE IN SUPPORT OF RESPONDENT**

Under Fla. R. App. P. 9.370(a), Washington Legal Foundation (WLF) seeks leave to file an *amicus curiae* brief in support of Respondent R.J. Reynolds Tobacco Company:

1. Founded in 1977, WLF is a nonprofit, public-interest law firm and policy center with supporters nationwide, including many in Florida. WLF promotes free enterprise, individual rights, limited government, and the rule of law.

2. To advance those objectives, WLF regularly appears as *amicus curiae* to defend the Due Process Clause’s limits on arbitrary

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deprivations of property. *See, e.g., Philip Morris USA v. Williams*, 549 U.S. 346 (2007); *State Farm Mut. Auto. Ins. Co. v. Campbell*, 538 U.S. 408 (2003); *BMW of N. Am. v. Gore*, 517 U.S. 559 (1996). And WLF often appears as an *amicus* in this Court's cases of national significance. *See, e.g., Restoration 1 of Port St. Luce v. Ark Royal Insurance Co.*, No. SC18-1624, 2019 WL 3403438 (Fla. July 29, 2019); *DeLisle v. Crane Co.*, 258 So. 3d 1219 (Fla. 2018); *Engle v. Liggett Grp., Inc.*, 945 So. 2d 1246 (Fla. 2006).

3. Irrational awards of punitive damages foster undue "arbitrariness, uncertainty, and lack of notice." *Philip Morris USA v. Williams*, 549 U.S. 346, 354 (2007). Look no further than this case. After awarding the plaintiff \$150,000 in compensatory damages on her design-defect claim, the jury awarded her a staggering \$16 million in punitive damages. As both federal and Florida law make clear, the disparity between the jury's punitive and compensatory awards far exceeds the outermost bounds of due process. WLF's brief urges this Court to give lower Florida courts much-needed guidance on reining in excessive punitive-damages awards.

4. WLF's *amicus* brief will help the Court to evaluate the important legal and policy issues raised in this appeal. WLF has no

direct financial interest in the outcome of this litigation. Because of its lack of any pecuniary interest WLF can provide the Court with a unique perspective independent of any party's.

5. After timely notice of WLF's intent to file, no counsel for either party objects to the Court's granting this motion.

Washington Legal Foundation thus respectfully requests leave to file an *amicus* brief in support of the Respondent, R.J. Reynolds Tobacco Company.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that a copy of this motion was served through the
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