

JUUL School District Litigation

Mark Dearman | Chris Gold

Bobby Gilbert | Scott Weiselberg

Eugene K. Pettis

Robbins Geller
Rudman & Dowd LLP





WHY THIS TEAM?

**We are MDL experts.
We are trial strong.**

Our team has extensive MDL experience and both world class national trial lawyers and widely recognized local trial lawyers.

Our well respected local and national firms came together for the Opioids litigations, and now for JUUL.

Robbins Geller
Rudman & Dowd LLP



HPS
HALICZER
PETTIS &
SCHWAM

OVERVIEW OF ROBBINS GELLER

Robbins Geller Rudman & Dowd LLP

With **9 offices**, including in San Francisco, Robbins Geller has 200 lawyers, including dozens of former federal and state prosecutors.

Robbins Geller has recovered **tens of billions of dollars** on behalf of its clients and has achieved the largest settlements and verdicts in history in various genre of litigation. These record recoveries include *Enron* (\$7.2 billion), *Household* (\$1.5 billion), and *UnitedHealth* (\$925 million).



RGRD is on the Plaintiffs' Executive Committee of the Opioids litigation.

Robbins Geller **tries complex cases** and has the **financial and human capital** to see cases through to the end, no matter how long it takes.

Robbins Geller recently obtained a **\$400 million recovery in an off-label marketing case against Pfizer** and a **\$600 million recovery against Cardinal Health**.

Additional details regarding the firm are available at **www.rgrdlaw.com**.

OVERVIEW OF KOPELOWITZ OSTROW

Kopelowitz Ostrow Ferguson Weiselberg Gilbert (KO)

- 15+ years – South Florida based (FTL/MIA)
- 25+ lawyers & support staff
- Complex litigation & class actions
- KO represents individuals, businesses, and government clients.

- KO lawyers have been appointed to leadership positions in multidistrict litigation and class actions.
- KO has recovered hundreds of millions of dollars on behalf of its clients.
- Attorneys at KO have trained at some of the largest and most prominent law firms in the country.

KO represents Broward County, Fort Lauderdale, Monroe County, Orlando, and other local governments in the Opioids litigation.

Additional details regarding the firm are available at www.kolawyers.com.

OVERVIEW OF HALICZER PETTIS & SCHWAMM

Haliczer Pettis & Schwamm P.A.

- 35+ years – South Florida based (FTL/MIA) and Orlando
- 12+ lawyers & 20+ support staff
- HPS has extensive litigation practice in areas of wrongful death/personal injury.
- Lead HPS trial counsel Eugene Pettis is Board certified in Education Law by the Florida Bar and has tried over 100 civil cases.
- HPS has been appointed to leadership positions including current lead outside counsel for School Board of Broward County on MSD litigation.
- The firm leverages the attorneys' experience, in-house medical paralegals, and extensive network of experts to serve clients ranging from individuals to Fortune 500 corporations.
- HPS has represented School Districts, including Miami-Dade, Broward, and Palm Beach.
- The firm's in-house appellate attorneys thoroughly research the law and analyze the facts extensively for the preparation of every case.

Additional details regarding the firm are available at www.hpslegal.com.

Robbins Geller
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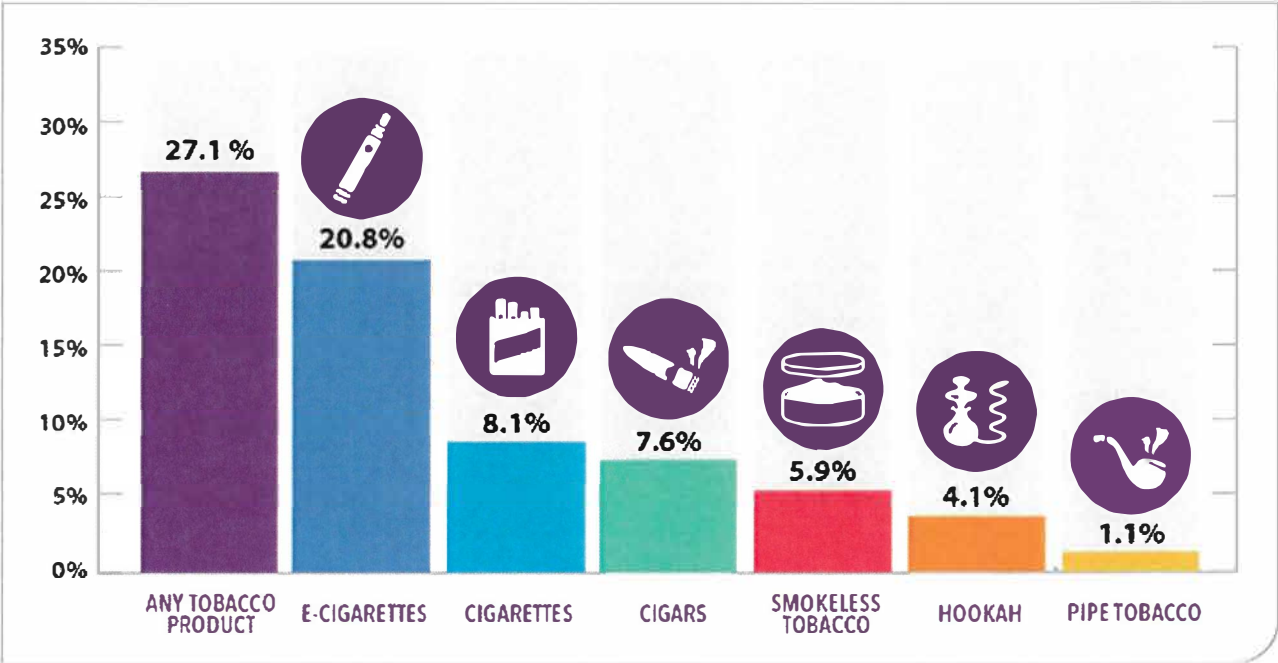
HALICZER
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YOUTH AND TOBACCO USE

Big Tobacco 2.0

TOBACCO USE INCREASED AMONG TEENS



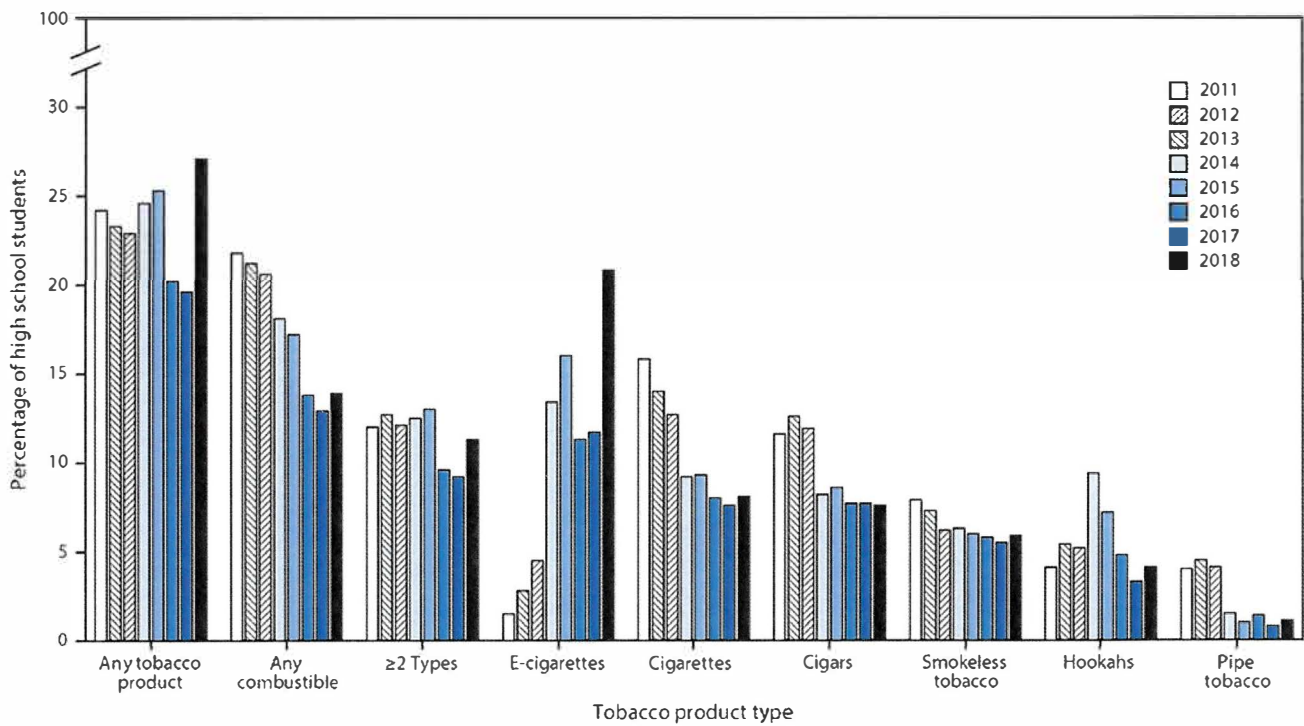
Tobacco Product Use Among High School Students – 2018

TOBACCO USE AMONG HIGH SCHOOL STUDENTS IN 2018

Tobacco Product	Overall	Girls	Boys
Any tobacco product†	27.1%	24.9%	29.1%
E-Cigarettes	20%	18.8%	22.6%
Cigarettes	8.1%	7.3%	8.8%
Cigars	7.6%	6.0%	9.0%
Smokeless tobaccos	5.9%	3.3%	8.4%
Hookahs	4.1%	4.1%	4.0%
Pipe tobacco	1.1%	0.8%	1.4%

†Any tobacco product includes cigarettes, cigars, smokeless tobacco (including chewing tobacco, snuff, dip, snus, and dissolvable tobacco), tobacco pipes, bidis, hookah, and e-cigarettes.

TOBACCO PRODUCT USE AMONG HIGH SCHOOL STUDENTS IN THE UNITED STATES, 2011–2018



Estimated percentage of high school students who currently use any tobacco product, any combustible tobacco product, ≥2 tobacco product types, and selected tobacco products — National Youth Tobacco Survey, 2011–2018



JUUL

JUUL BRANDING TARGETED TO YOUTHS



JUUL BRANDING TARGETED TO YOUTHS



40% OFF
STARTER KIT

FOR NEW USERS

#SWITCHTOJUUL

WARNING: This product contains nicotine. Nicotine is an addictive chemical.

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HFC
HALICZER
PETTIS &
SCHWAMM

SMOKING EVOLVED

SMOKING EVOLVED

Simple, smart, intensely satisfying.

Several years ago our talented (and vapor fanatic) team of designers and engineers debuted the PAX vaporizer. We're proud to introduce our latest innovation, JUUL - a simple, smart and intensely satisfying closed-system vapor experience. We hope you enjoy it as much as we enjoyed making it.



Intense

the right nicotine strength and vapor quality to provide a powerful and smooth experience

Satisfying

liquid-to-wick flavorful vapor

Simple

easy to use - no buttons or switches, simply insert pod into device and draw

Smart

sophisticated life light indicator

Pack the Essentials

JUUL © JUUL Vapor - 15 Nov 2017
 Whether you're driving across country or just across town, make sure you pack enough JUUL pods for the long holiday weekend.
 Order by 11/16 at 4pm EST for free standard shipping that arrives by Wednesday 11/22.
 Shop now: bit.ly/2zWx607
 JUUL Vapor contains nicotine. Nicotine is an addictive chemical.

LAUNCH PARTIES



SOCIAL MEDIA



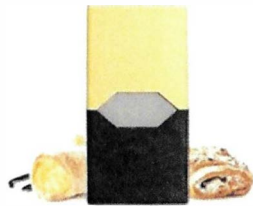
Robbins Geller
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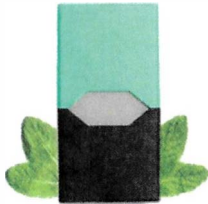
IT COMES IN FLAVORS



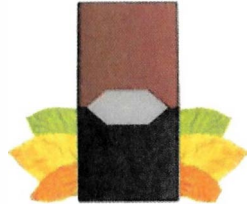
fruit
medley



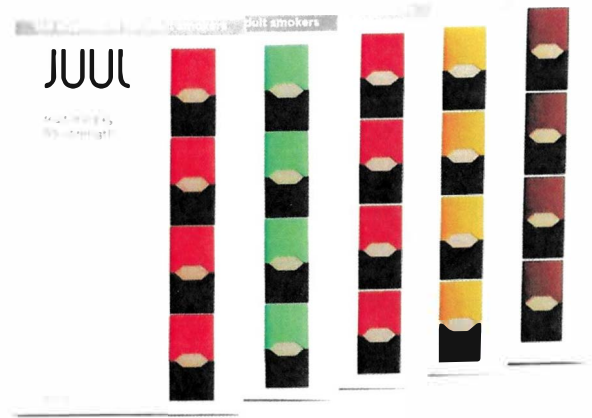
creme
brulee



cool
mint



virginia
tobacco



63% of JUUL users don't
know that the product
ALWAYS CONTAINS NICOTINE.

NICOTINE INTAKE

1 JUUL Pod = 2 Packs of Cigarettes



JUUL DENIES TARGETING TEENS



VAPORIZED

Vox

The vape company Juul said it doesn't target teens. Its early ads tell a different story.

JAN 25, 2019

A new analysis of Juul's marketing campaign suggests it targeted youth from its inception.

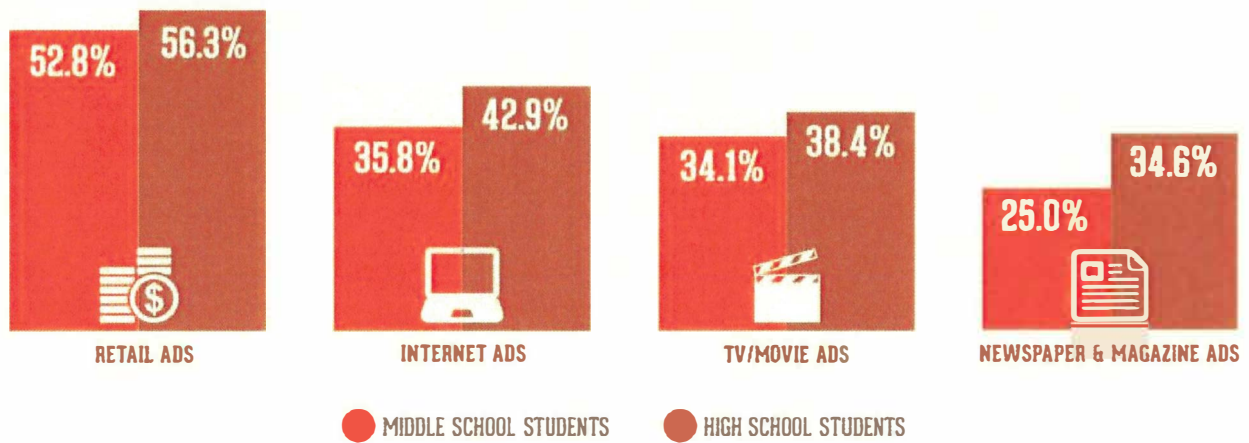
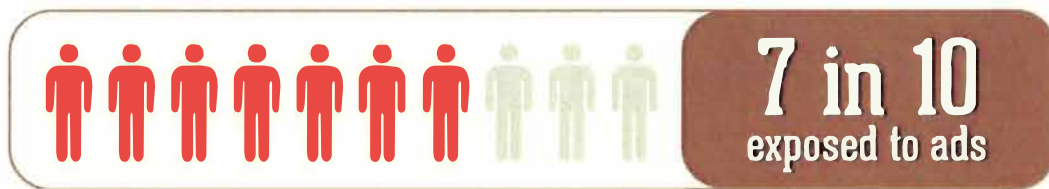
Juul, the Silicon Valley startup that's taken over three-quarters of the US e-cigarette market, has repeatedly declared it is in the business of helping adult smokers quit tobacco.

But a new analysis of its early advertising campaign tells a very different story.

In a white paper, a team of researchers with Stanford Research Into the Impact of Tobacco Advertising have shared their study of the company's marketing campaign between Juul's launch in 2015 and fall 2018. They looked at thousands of Instagram

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HIGH TEEN EXPOSURE TO E-CIG ADVERTISING



Los Angeles Times

Column: Studies show how Juul exploited social media to get teens to start vaping

SEPT 24, 2019

Juul Labs, the leading e-cigarette maker, says it has been upfront about its determination to keep young people away from

That's what the San Francisco company says, assiduously cultivated young consumers, with

That's the finding in a series of studies from Stanford University, which has put the spotlight on how Juul exploited social media to reach a youth market.

Social media has been a central factor in establishing Juul as a fad among teens.

STANFORD STUDY OF JUUL ADS



Robins Geller
Korman & Dowd LLP



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SCHWAMM

FDA warns JUUL Labs for marketing unauthorized modified risk tobacco products, including in outreach to youth.

Agency sends additional letter requesting more information on several issues, including outreach and marketing practices, as part of ongoing investigation.

THE JUUL LITIGATION AND AFFECTING PUBLIC POLICY THROUGH LITIGATION

The New York Times

Juul Is Sued by School Districts That Say Vaping Is a Dangerous Drain on Their Resources

OCT 9, 2019

The lawsuits accuse Juul of endangering students and forcing educators to divert time and money to fight an epidemic of nicotine addiction among teenagers.

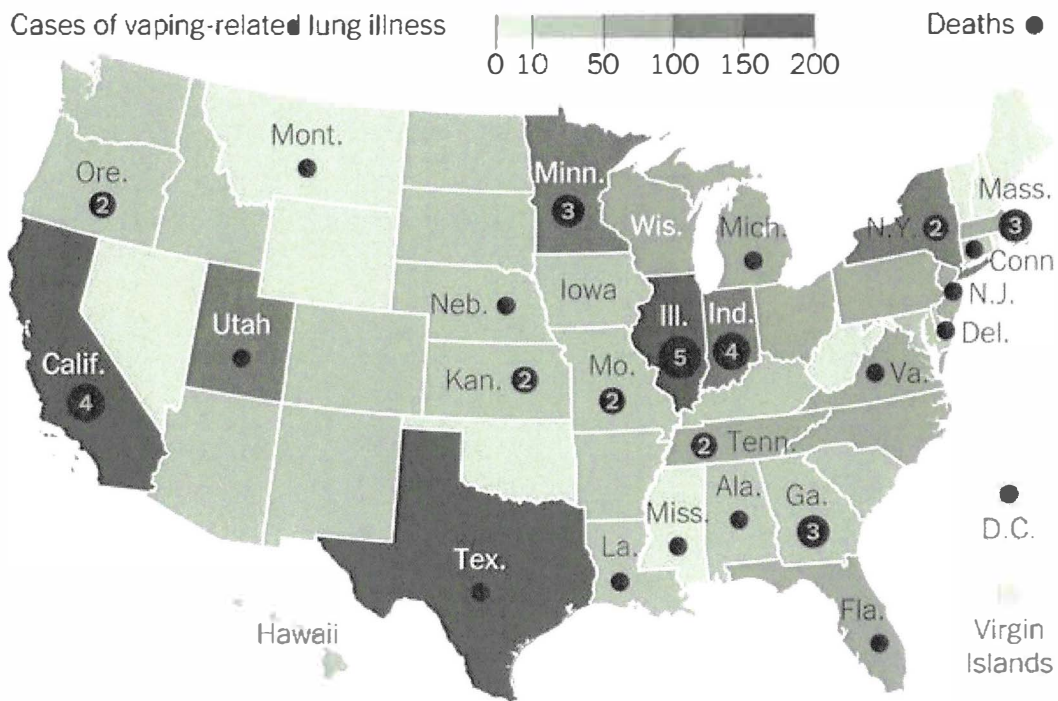


With school districts across the United States scrambling to reverse the rise of vaping among teenagers, three of them on Monday filed suit

VAPING ILLNESS TRACKER

2,290 Cases and 47 Deaths

Hundreds of people have been sickened by lung illness linked to vaping



CROSSED SABRES

VOLUME 88, ISSUE 1

WASHINGTON LEE HIGH SCHOOL
1301 N STAFFORD ST.
ARLINGTON, VA 22201
703.238.6200

DECEMBER 2017

Too JUUL for school

Students admit to vaping during school hours

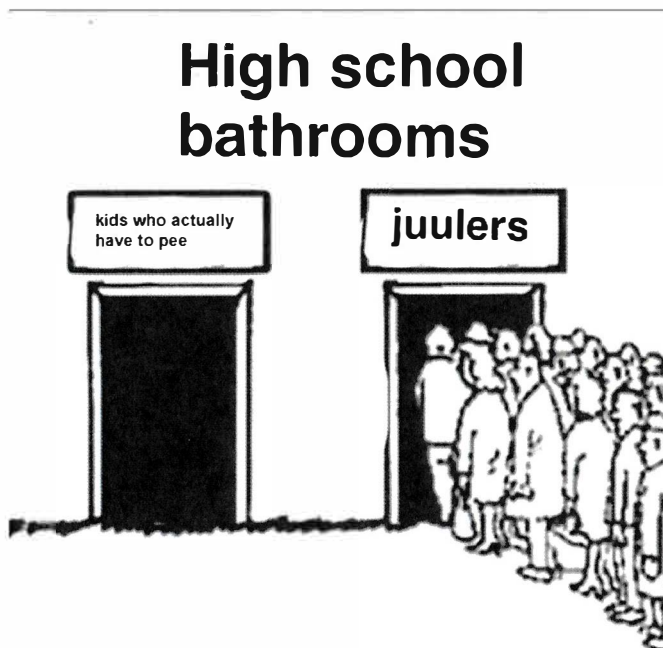
■ Holland Forsythe '20

Opinion Editor

THE ROLE OF SCHOOLS

- JUUL's rapid rise blindsided the FDA, the medical community, parents, and some schools.
- Schools were charged with unanticipated responsibility.
- Parents are often clueless about what a JUUL is and about its dangers.
- This puts schools on the front line of fighting this epidemic.

NEGATIVE IMPACT ON SCHOOLS



- Distraction. Major distraction for students, teachers, and administrators.
- Drain of resources. Teachers and administration spend a significant amount of time monitoring and policing vaping in school. Requires increase monitoring of halls and bathrooms, monitoring devices, test kits to test contents of confiscated devices, involvement of local police. Time and energy that could and should be spent elsewhere.
- Discipline. Stiff punishments necessary to deter student use. Suspensions sky rocket.

Hitting the Juul... Is for Fuuls!

Try the following non-juul activities:

Walk your pet
or

Do Homework



School districts installing new 'vape detectors' to combat youth e-cigarette use

This comes on the heels of a skyrocketing number of reported illnesses linked to vaping. There have been than 450 cases and six deaths reported in the U.S. so far.

WCNC 

From removing doors to checking sleeves, U.S. schools seek to snuff out vaping

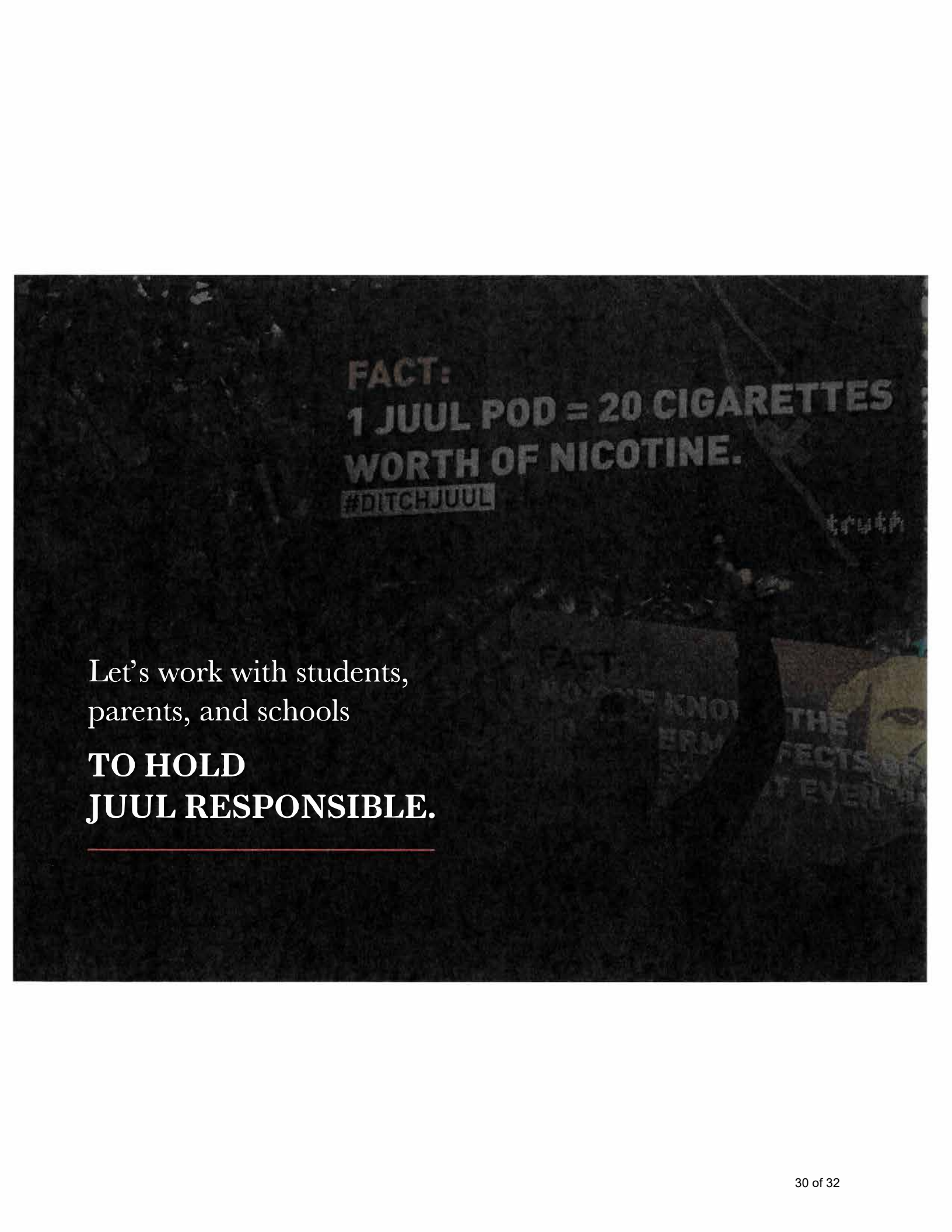
 REUTERS

ECONOMIC DAMAGE TO SCHOOLS

- Some schools have spent hundreds of thousands of dollars to deal with this problem.
- Unfortunately, some schools don't have the resources to adequately fight this problem.
- Reappropriation of funds from other areas/programs to deal with this problem.
- Hiring extra personnel to monitor halls/bathrooms.
- Extra security costs. Devices to detect smoke/vape.
- Tests to determine content of confiscated devices.
- Paying tutors for students suspended for vaping.

OTHER DAMAGE

- Harmful to public education system.
- Diminution of educational process.
- Teachers and administrators are unable to focus as much on education.
- Distracting to other kids in the school.
- Future expenses.
- Costs to implement curriculum, programs to combat problem.



FACT:
1 JUUL POD = 20 CIGARETTES
WORTH OF NICOTINE.
#DITCHJUUL

Let's work with students,
parents, and schools

TO HOLD
JUUL RESPONSIBLE.

CLAIMS

Violation of State Consumer Protection Law

- Engaged in unfair or deceptive trade practices in connection with its affirmative misrepresentations regarding the nicotine content of its e-cigarette and that its e-cigarette is less addictive than traditional cigarettes.
- Misladingly omitted the fact that its e-cigarette delivers more nicotine than traditional cigarettes, is more addictive than traditional cigarettes, and contains harmful chemicals besides nicotine.

Public Nuisance

- Created a public nuisance by interfering with the public health, safety, peace, and comfort by disseminating false and misleading information regarding the nicotine content of its e-cigarette directly to children and by downplaying or omitting the risk of addiction.
- Schools likely suffered damages distinct from those suffered by citizens generally, incurring costs associated with curbing the JUUL epidemic, and will incur future costs required to abate the nuisance that JUUL created.

Negligence

- Breached its duty of care owed to the schools and its students, to promote JUUL truthfully, to disclose the true risks of addiction associated with nicotine use, and not to market kid-friendly flavors and use promotional tactics to attract children.

Unjust Enrichment

- Schools likely conferred significant benefits on JUUL by carrying the costs of the harm caused by JUUL's unlawful conduct while JUUL profited from the harm it caused, which benefits JUUL knowingly accepted.
- The retention of those benefits by JUUL is clearly inequitable due to the violations summarized in the claims above.

RICO | Racketeer Influenced and Corrupt Organizations Act (18 U.S.C. sec. 1962(C)-(D))

- JUUL, Altria, and their marketing consultants and/or agencies collectively created an e-cigarette fraud enterprise and engaged in a pattern of racketeering activity through the illegal scheme to deceptively market and sell e-cigarettes to minors in order to increase their own profits.

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