

## Tobacco companies ordered to pay \$157 million to man whose husband died of lung disease

By **Brittany Shammass**

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In the final days of his husband’s long battle with lung disease, Bryan Rintoul made a vow: He would hold the tobacco companies accountable.

On Friday, nearly two years after Edward Caprio’s death, a Florida jury delivered a \$157 million verdict against Philip Morris and R.J. Reynolds, the companies behind the cigarettes that caused his fatal illness. Rintoul felt he had kept his word.

“I followed through,” he said, voice cracking, in an interview with The Washington Post. “I followed through on a promise I made to Ed Caprio that I would pursue this in his memory. For him.”

The verdict represented a promise kept, but it also represented something more. Rintoul’s lawyers believe it was history-making — the first of its kind involving a same-sex couple in Florida, if not the United States as a whole.

In most wrongful death cases in the Sunshine State, a widow or widower cannot recover damages unless the fatal illness struck after the couple was married, the attorneys said. Because same-sex couples only gained the legal right to marry in 2015, that can be an impossible hurdle for them to clear.

Broward Circuit Judge David Haines ruled last year that it would be unconstitutional to apply the rule in Rintoul's case. Rintoul and Caprio married days after Florida legalized same-sex marriage in 2015, but their attorneys argued that the couple, who spent almost 40 years together, would have done so decades earlier if they had been allowed. Jurors agreed.

"This jury recognized Ed and Bryan with open arms," said Steven Hammer, one of the lawyers. "And the bias and the prejudice that has been out there for years and years about gay couples, in this courtroom, didn't exist."

Steve Callahan, a spokesman for Philip Morris parent company Altria, said the company plans to seek further review of the verdict. He added, “We believe that the punitive damages award is grossly excessive and a clear violation of constitutional and state law.”

But Tara Borelli, a lawyer with the gay rights organization Lambda Legal, told the Sun Sentinel that the jury got it right. “Florida’s ban on marriage for same-sex couples has always been unconstitutional, so it can never be used as an excuse to deny important benefits to survivors,” she said.

Rintoul, a Vietnam War veteran, and Caprio met in the 1970s while the two worked at the same advertising agency in Los Angeles. They moved in together in 1983, making a commitment to one another. They were barred from marrying for most of their years together, and yet they were like any other married couple, Rintoul said.

“We did the same thing that everybody else did,” he said. “We’d go to the movies, we’d have date night, we’d meet friends for dinner. ... If we had a disagreement, I would go to him and I’d say, ‘Well, you need to apologize to me.’ And he’d go, ‘You need to apologize to me.’ And then we’d start laughing.”

In 1996, Caprio received a diagnosis of chronic obstructive pulmonary disease. He had started smoking at age 15 and found cigarettes too addictive to give up — even after the diagnosis. He filed a lawsuit against the tobacco companies in 2007, enduring a trial that ended in a hung jury before he died and Rintoul took up the case on his behalf.

In court, their attorneys argued that the companies had intentionally caused young people to become addicted to their products. They pointed to Altria's investment in the e-cigarette producer Juul — the company some critics accuse of creating a youth smoking epidemic — as evidence that Big Tobacco has not changed its ways.

“Adoption by youth is the key to their business,” attorney Scott Schlesinger said. “And while they speak out of one side of the mouth, actions speak louder than words.”

Rintoul said he has struggled without Caprio, whom he called the love of his life. He said he has felt a loneliness and devastation unlike other losses he has experienced. Some days, he said, he sits at the beach and talks to Caprio, whose ashes were spread at sea. “It’s a very lonely life now,” he said.

The jury's verdict felt like a kind of confirmation of a feeling he and Caprio got when same-sex marriage was legalized in 2015: Their relationship of more than 30 years didn't have to be in the shadows anymore. Rintoul noted that he grew up in the 1950s and 1960s and served in the military at a time when he could have been dismissed from the service for being gay.

"I ended up having to keep the secret for many, many, many years," he said. "And now I just feel like it's progressed to the point that the gay community doesn't have to hide anymore."

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**Brittany Shammass**

Brittany Shammass is a general assignment reporter for The Washington Post. She previously worked for the Miami New Times and the South Florida Sun Sentinel. Follow 

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**Ann Porter Weare** 5 days ago

He enjoyed every cigarette that he smoked.

You cannot sustain personal freedom or an economy with these single

judgments.

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**Susan B\_A from Resistanceville** 5 days ago *(Edited)*

He enjoyed every cigarette that he smoked.

Correction: he was addicted - purposely, by the tobacco industry, who lied about that fact for *decades* - to every cigarette he smoked.

So take your faux libertarianism and... smoke it.

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**Chantixer** 6 days ago

Sometimes the verdict is just.

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**No-one-special** 6 days ago

"He had started smoking at age 15..."

So he made the conscious decision to start smoking, not the tobacco companies.

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**owi2000** 6 days ago

Guess that means the opioid crisis is no biggie either, by that logic.

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**Ann Porter Weare** 5 days ago

The opioid crisis is altogether different. Smoke too many cigarettes in a day, you smell horrible and get a headache. Imbibe too many opioids in a

day, you die immediately.

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**LiberalFreedomFighter** 6 days ago

Tobacco sucks and no one should use it.

However, adults make choices to smoke or be around smokers.

No money should be given.

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**Elaine Closure** 6 days ago

Crazy. Warnings have been on tobacco products for decades.

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**FulhamDC** 6 days ago

He's never going to see a dime.

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**Susan B\_A from Resistanceville** 5 days ago

False. Every verdict against these monsters in the last decade has stuck. Reduced, occasionally, by the judge - but the industry's appeals have almost all failed.

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**Terry S.** 6 days ago

My mother died this last summer from lung disease. She had it all, plus a pneumonia she couldn't shake because of the damage to her lungs from smoking. She became addicted at the age of 5, and she saw smoking as her only way to get through life. I hold many responsible, and her included, but chances are, her lungs were already shot by the time information started coming out about the bad effects of smoking. Little did anyone know back then that the

out about the bad effects of smoking. Little did anyone know back then that the tobacco companies had begun freebasing tobacco in order to create serious addiction. I miss my mother, and I wish somebody could sue on her behalf.

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**DCTransplant** 6 days ago

They were reducing and increasing the nicotine content in 1-year cycles (Well, RJ was, PM, too) to see if more smokes would sell in the decreased cycle. They did. Creepy, huh? Sorry about your Mom.. My Ma was CPOD, she struggled with it too. Hideous disease. I smoked for a long time too, hell, I was grabbing smokes out of their packs before I was 8 or 9. I was the go-to kid for a smoke in the 3rd grade probably, at old Layton Hall.. It was a very, very different time. Everyone smoked. Everyone was skinny back then, too. Coincidence?

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**Bob S.** 6 days ago

I have no sympathy for cigarette companies, but I also don't have too much patience for the intellectual & emotional dishonesty inherent in these 'attractive nuisance' claims as they relate to adults smoking tobacco.

King James of England famously wrote a screed against tobacco's foulness and health effects over four hundred years ago, John Quincy Adams wrote of his addiction to tobacco in his younger years, cigarettes have regularly been called 'coffin nails' for over a hundred years, and the Surgeon General's reports about the ills of tobacco have been coming out since the early 1960's, successors to reports in the 1950s of the International Union Against Cancer, Britain's Standing Advisory Committee on Cancer and Radiotherapy, the American Cancer Society and other agencies concluding that increased smoking is associated with lung cancer.

Nobody has thought that smoking was anything but an addictive, unhealthy habit for a very, very long time. I smoked for almost thirty-five years, and only quit a few years ago because I was fairly miserable, waking myself up in the middle of the night coughing. I knew from the day of my first sneaked smoke as a kid in the 1960's, long before I became addicted to them in the 1980's, that it was a bad idea. I sure wish I hadn't done it to myself, but I'm sure not

that it was a bad idea. I sure wish I hadn't done it to myself, but I'm sure not going to pretend that somebody did it to me.

Like  6 Reply  Link  Report 



**DCTransplant** 6 days ago

Yeah, me too. I stop and start, with years between each. Hey, I'm 62, play golf walking, snowbird, motorcycles, fix my cars and bikes and quitting buys me a few more years. Hoofing it in the airport I'm still fastest guy in the place at Logan and Tampa between check-the-bag and TSA. My folks and grandparents were ALL heavy smokers and they all lived until their 80s-101. Ma quit finally, she passed at 87. Some inherited physiology passes down and some folks are cancer-proof. May I be one of them. Reading and commenting on all this is inspiring me to a deck of Marlboros and a cup of Joe. Cigarettes are so DAMNED GOOD with coffee! And weed. They're tasty after weed, heh. But I'm not blaming anyone but myself and these awards are crazy, a complete dodge of the personal responsibility we all have for our own actions. Folks may be happy to screw the tobacco industry, but it violates morality and personal responsibility.

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**No-one-special** 6 days ago

"She became addicted at the age of 5.."

5?

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**DCTransplant** 6 days ago

Hey, I figure I came out at birth addicted because in 1957, women didn't quit smoking when they were preggars. First hour after birth was the start of a long nicotine fit and the only way to scratch it is to smoke, heh.. I was grabbing smokes out of various packs around the house from the age of 5, 6, 7. Why not his Mom?

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**DCTransplant** 6 days ago

They'll appeal it to the SCOTUS before they pay. Meh, smokers pay steep taxes all their lives, they work a full working life, then they die a quick death shortly after retirement. From there they collect no Social Security after having paid in their FICA for forty years. Pile up all the taxes on the smokes and the fact they collect little in retirement, smokers are actually quite the profit center. Smokers also pay more for life and health insurance so the notion that anyone but smokers pay for their illnesses is absurd. So many people have quit smoking or not taken it up to begin with that the States have to search for other tax revenues AND because folks that never smoked live to 95 collect benefits of all sorts until then, non-smokers are a net loss compared to smokers in every measure. In terms of revenue. Non-smokers are prissy and lousy tippers, another cost of having non-smokers around. Ask any bartender. Non smokers are no fun.

If you wanna talk about a health crisis, take a look at obesity-related diabetes and the cost of insulin and all the ways folks in that state of health are costly to the system while very young and they certainly aren't taxed on the crappy food THEY eat that causes their illnesses. There's actually a shortage of insulin and CDC and NIH have been shrieking for years that this would happen if the obesity epidemic isn't curtailed. Face facts.

As for me, I quit long ago and I'm skinny. I have no personal dog in the hunt, but certain truths ought to be acknowledged and a political mood against one while projecting glad tidings upon another isn't constructive.

Here comes the ban. I spoke truth to idiots.

Like 4 Reply Link Report



**ccaseyaz** 6 days ago

One correction, DC: dying from COPD or lung cancer is not a quick death.

Like Reply Link Report



**Susan B\_A from Resistanceville** 5 days ago

They'll appeal it to the SCOTUS before they pay.

They haven't in years, and they won't now. They tried it with the first major losses in court a decade ago, and lost almost all of them.

Anything less than a billion is petty cash to them.

Like  Reply  Link  Report 



**bradyt** 6 days ago

In Florida no less. Any loss for a tobacco company is a win for America. If he grew up in the 50s, and was so addicted by age 15 that he was unable to quit, that was considerably before any of the information was out about the health / addiction affects of tobacco were common knowledge. The tobacco industry still had all of the information firmly under wraps at that point. I hope that more people sue, and that the entire hateful industry goes belly up, in spite of all of their nasty apologists.

Like  4 Reply  Link  Report 



**DCTransplant** 6 days ago *(Edited)*

Heh, smoking ought to be a classification for disability at the Veteran's Admin. I was Naval Air in an A-6 Squadron aboard Nimitz 1976-1981 and EVERYONE smoked. Pilots, crews, flight deck guys, the cooks had a smoke in their yaps while they were spooning out the chow. As soon as we were twelve miles out (don't ask me why the 12 mile thing), the smoke shop opened. Any brand, \$1.50/carton. See, they knew young men weren't going to die of cancers during their hitch, even if they stayed in 20 years. Because the cigarettes, combined with copious amounts of coffee keep you awake and alert for those 20 hour days in stretches of 24-hour operations. The pilots rest, the enlisted pukes, not so much. I'd pull the ejection seats out of the planes for their 180 day inspections and the buckets under the cushions were crammed with butts the pilots stubbed out while in flight. Headed for a carrier landing at night, you need a smoke, heh... As for my land-based Veteran bros, I'd like you to show me the movie depicting war without cigarettes. The military up until recently has plenty to answer for as regards Vets and cigarettes. At a \$1.50 a carton, you get addicted good and hard, but they have their uses. The were giving the

you get addicted good and hard, but they have their uses. The were suing the tobacco companies even as they were feeding cigarettes to service members even in their MREs (C-Rats they were called then), there was a pack of 4, Marlboro or Winston, which tastes good like a cigarette should.

Bet money most of the smoking deaths are Veterans. They started there. But it ain't service connected. Lots of folks quit, but a lot simply can't. I managed it, but what's it matter? Motorcycles or something else will get me. Ain't life grand? No one gets out alive, never forget that, Kids.

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**Curmudgeon10** 6 days ago

12 miles: international waters; no tax to be collected.

Like  1 Reply  Link  Report 



**DCTransplant** 6 days ago

Ah ha! The magic line. Is that how far casino-cruises have to go? Twelve miles is an international waters thing too, right?

Like  Reply  Link  Report 



**Curmudgeon10** 6 days ago

Nations contest the exact number, but I believe the U.S. recognizes 12 miles.

Like  Reply  Link  Report 



**JBinSV2** 6 days ago

Maybe pay us non-smokers for having to put up with the stink of cigarettes against our will.

And for contributing to group health plans that have to pay the medical expenses of smokers.

Like  3 Reply  Link  Report 



**Kittycat** 6 days ago

And for breathing in second-hand smoke, especially in the years before smoking was banned in workplaces and public places.

Why is this particular person entitled to a multi-million dollar judgment, while families of the millions who've also died of smoking-related illnesses get nothing?

Like 3 Reply Link Report



**solipsistic bliss** 6 days ago

I think you're looking at it wrong. This particular person is entitled to it, and so are those millions of families.

Like 3 Reply Link Report



**Kittycat** 6 days ago

I'd be thrilled if the tobacco companies were sued out of existence. But millions of families have been hurt by their evil, and any judgment should be spread around accordingly.

Like 1 Reply Link Report



**Bubbadeaux** 6 days ago

And how would you do that?

Like Reply Link Report



**DCTransplant** 6 days ago

The tobacco companies got slammed with a HUGE suit and settlement decades ago. It was spread around to the cities and states for smoker education. What the states actually did is dump it into the general fund and went right on collecting per-pack taxes on cigarettes. Take away sin taxes, booze/tobacco, your real estate taxes will go up at least a third. When Bloomberg gets in, there will finally be huge taxes on soda, chips, stupid prepared foods that

ratten our population to the riches of Big Agri, who is far more evil than the tobacco companies, starting with ConAgra. They suck. Forget the tobacco, we need to fix our foodstuffs in the worst way.

Like  1 Reply  Link  Report 



**DCTransplant** 6 days ago

They already paid, to the tune of about ten bucks a pack. You pay lower local and state taxes because of the taxes on cigarettes, in fact the Council of Governments has many white papers describing the scramble to replace the deteriorating revenues as more people quit and don't start to begin with. Smokers also pay more for their insurance and rental cars if they smoke THERE. Plus, no one will hire a smoker, so it costs you nothing there. Smokers cost you nothing, really and they can't even do it in public. What are you even complaining about?

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**lostinthemiddle** 6 days ago

If you can prove harm in court, you could win. It takes at least a decade and would cost hundreds of thousands of dollars, or more. Good luck.

Like  1 Reply  Link  Report 



**DCTransplant** 6 days ago

That's the point of appeals. So now they've gotten past the issue of standing (that they actually were married), they've been awarded a stupid-high amount of money that will never be paid owing to appeals. They'll make an offer with an NDA admitting no liability to drop the case and verdict. Otherwise this guy gets nothing. But they aren't paying 150+ million bucks. No way. No chance. Juries screw the people they award a win to with these ridiculous awards and punitive damages, it puts the whole thing into appeal into perpetuity.

Like  1 Reply  Link  Report 



**ccaseyaz** 6 days ago

Plus, punitive awards are taxed, while compensatory damage awards are not.

Like Reply Link Report



**lostinthemiddle** 5 days ago *(Edited)*

Is it possible that you replied to the wrong post? It's not that you're necessarily wrong, but your post is not responsive to what I posted at all.

I'm not talking about this case. I'm talking about OP's hypothetical second-hand smoker case.

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