

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FOURTH DISTRICT

**STEVEN KOGAN**

Appellant,

v.

**R.J. REYNOLDS TOBACCO COMPANY**, a foreign corporation,  
individually and as successor by merger to BROWN & WILLIAMSON  
TOBACCO CORPORATION and successor through merger to  
THE AMERICAN TOBACCO COMPANY, a foreign corporation,  
**PHILIP MORRIS USA INC.**, a foreign corporation, and  
**LORILLARD TOBACCO COMPANY**, a foreign corporation,  
Appellees.

No. 4D17-2256

[October 18, 2018]

Appeal and cross-appeal from the Circuit Court for the Fifteenth  
Judicial Circuit, Palm Beach County; Meenu Sasser, Judge; L.T. Case No.  
50-2007-CA-023657-XXX-MB.

Lance V. Oliver and Sara O. Couch of Motley Rice, LLC, Mt. Pleasant,  
SC, John Hutchins Pinder, VI, Kent G. Whittemore, and Erin W. Lohmiller  
of The Whittemore Law Group, P.A., St. Petersburg, Bruce H. Denson of  
Bruce H. Denson, P.A., St. Petersburg, and Howard M. Acosta of the Law  
Offices of Howard M. Acosta, St. Petersburg, for appellant.

Scott M. Edson of King & Spalding LLP, Washington, DC, and William  
L. Durham, II of King & Spalding LLP, Atlanta, GA, for appellee R.J.  
Reynolds Tobacco Co.

David M. Menichetti and Geoffrey J. Michael of Arnold & Porter Kaye  
Scholer LLP, Washington, D.C., and Stephanie S. Sankar of Shook, Hardy  
& Bacon L.L.P., Kansas City, MS, for appellee Philip Morris USA Inc.

PER CURIAM.

*Affirmed.*

TAYLOR, KLINGENSMITH and KUNTZ, JJ., concur.

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***Not final until disposition of timely filed motion for rehearing.***