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IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF MULTNOMAH

PATRICIA ANN RICKMAN, and  
JASON RICKMAN

Plaintiffs,

v.

R.J. REYNOLDS TOBACCO COMPANY,  
a foreign corporation; KMC FLAVEL, INC.  
an Oregon corporation abn Sawyer’s Market;  
and SPACE AGE FUEL INC., an Oregon  
corporation;

Defendants.

Case No.

**COMPLAINT**  
(Product Liability; Negligence and  
Fraud)

PRAYER: \$6,200,000.00

Or Laws 2012, ch. 48, Sec. 2;  
ORS 21.160(1)(d)

CLAIMS NOT SUBJECT TO  
MANDATORY ARBITRATION

JURY TRIAL REQUESTED

Plaintiff alleges:

**GENERAL ALLEGATIONS AND REMEDIES SOUGHT**

1.

PATRICIA ANN RICKMAN and JASON RICKMAN are the plaintiffs and lawfully married  
and are residents of the state of Oregon.

2.

RJ Reynolds Tobacco Company (RJ Reynolds) is a foreign corporation engaged in the design,  
manufacture, sale, marketing and distribution of cigarettes for consumption in Oregon and sold  
cigarettes consumed by PATRICIA ANN RICKMAN.

1 3.

2 KMC FLAVEL, INC. also doing business as Sawyer's Market and SPACE AGE FUEL INC.  
3 are Oregon Corporations engaged in the sale of Camel cigarettes manufactured and sold by defendant,  
4 RJ Reynolds and sold Camel cigarettes consumed by PATRICIA ANN RICKMAN.

5 4.

6 PATRICIA ANN RICKMAN was diagnosed on or about April, 2018 with lung cancer which  
7 was caused by smoking Camel brand cigarettes to which she was addicted and smoked continuously  
8 from 1987 until January 2019. Camel cigarettes are designed, manufactured and sold by defendant RJ  
9 Reynolds.

10 5.

11 As a result of the conduct of defendant, PATRICIA ANN RICKMAN has incurred economic  
12 damages for medical expenses in the amount of \$200,000.00.

13 6.

14 As a result of the conduct of defendant which caused PATRICIA ANN RICKMAN's lung  
15 cancer, Plaintiff PATRICIA ANN RICKMAN, has endured pain, suffering, loss of the enjoyment of  
16 daily life, fear of the future course of the diseases, with attendant pain and suffering all to her  
17 noneconomic damage of in the amount of \$5,000,000.00.

18 **FIRST CLAIM FOR RELIEF - PRODUCTS LIABILITY**

19 7.

20 Plaintiff PATRICIA ANN RICKMAN incorporates the allegations of paragraphs 1 through 7  
21 above.

22 8.

23 At all material times, defendant RJ Reynolds is a corporation that designed, distributed,  
24 marketed, advertised, supplied and sold the Camel cigarettes which caused PATRICIA ANN  
25 RICKMAN's lung cancer.

26

1 9.

2 At all material times, cigarettes including Camel, sold by all defendants were defective and  
3 unreasonably dangerous and in a condition not contemplated by the ultimate consumer in ways  
4 including, but not limited to one or more of the following:

5 a. Defendant RJ Reynolds designed and manipulated the pH of natural tobacco smoke so  
6 as to make it milder, easily inhalable and a more effective vehicle for the inhalation of nicotine;

7 b. Defendant RJ Reynolds manipulated the levels of nicotine in their cigarettes by a  
8 combination of design and manufacturing processes and purposely regulated nicotine in their cigarettes  
9 to specific levels which they knew would create and maintain nicotine addiction in smokers; and

10 c. Defendant RJ Reynolds placed additives in cigarettes for multiple purposes including  
11 but not limited to, flavorings, bronchodilators and to enhance the potency of the nicotine.

12 **SECOND CLAIM FOR RELIEF - NEGLIGENCE**

13 10.

14 Plaintiff PATRICIA ANN RICKMAN realleges paragraphs 1-9 above.

15 11.

16 The conduct of the defendant RJ Reynolds in designing, testing, controlling, processing,  
17 manufacturing, assembling, distributing, and supplying the cigarettes and the conduct of all defendants  
18 in selling Camel cigarettes, was negligent in one or more of the following ways:

19 a. In avoiding testing of tobacco, tobacco smoke and cigarettes in a way that would be  
20 likely to show the relationship between human disease and smoking in order to allow defendants to  
21 claim ignorance of the relationship between human disease and smoking;

22 b. In designing and manipulating the pH of natural tobacco smoke so as to make it milder,  
23 more inhalable and a more effective vehicle for nicotine;

24 c. In manipulating the levels of nicotine in their cigarettes by a combination of design and  
25 manufacturing processes and purposely regulating nicotine delivery in their cigarettes to specific levels  
26 which they knew would create and maintain nicotine addiction in smokers.

1 d. In selling and distributing cigarettes which they knew or should have known contained  
2 poisonous and carcinogenic substances capable of causing and likely to cause numerous serious and  
3 fatal injuries and diseases, including but not limited to lung cancer, COPD, head and neck cancers;  
4 Bladder cancer, heart disease and strokes;

5 e. In selling and distributing products which they knew or should have known contained  
6 addictive substances capable of and likely to induce irresistible physical and psychological addiction  
7 when used in a foreseeable manner; and

8 f. In failing to manufacture and sell cigarettes without the characteristics described above  
9 although it was capable of doing so, thus depriving PATRICIA ANN RICKMAN of the opportunity to  
10 smoke a safer and less addictive cigarette.

11 **THIRD CLAIM FOR RELIEF - FRAUD**

12 12.

13 Plaintiff PATRICIA ANN RICKMAN incorporates the allegations of paragraphs 1 through 11  
14 above.

15 13.

16 Defendant RJ Reynolds recklessly and/or intentionally made fraudulent misrepresentations  
17 about their tobacco products, including misrepresentations about adverse health effects, the addictive  
18 nature of their tobacco products, and their contents

19 14.

20 Defendant RJ Reynolds engaged in an ongoing public relations effort beginning in the early  
21 1950s, designed to manipulate public opinion by creating doubt and confusion about the adverse health  
22 effects and addictive nature of smoking and to provide rationalizations to help smokers keep smoking  
23 in spite of adverse health effects. Defendant made statements which intended to and did cause cigarette  
24 smokers such as PATRICIA ANN RICKMAN to begin and continue smoking cigarettes in spite of  
25 their adverse health effects.

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15.

PATRICIA ANN RICKMAN did not know that defendants’ representations were false and reasonably relied on and suffered lung cancer as a result of defendant’s misrepresentations.

16.

Defendants’ misrepresentations included the following and similar misrepresentations:

- a. That the causal link between cigarette smoking and human disease was in doubt or had not been proven, in repeated statements during the past 70 years;
- b. That cigarettes are not addictive;
- c. Concealing the causal link between cigarette smoke and human disease;
- d. Concealing the addictive properties of cigarettes and cigarette smoke;
- e. Falsely marketing filter, “lights” and “low tar” and nicotine cigarettes as safe or safer.

**FOURTH CLAIM FOR RELIEF-LOSS OF CONSORTIUM**

17.

Plaintiff JASON RICKMAN incorporates the allegations of paragraphs 1 through 16 above.

18.

As a result of defendants’ conduct herein alleged and the injuries and conditions it caused plaintiff Patricia Ann Rickman, plaintiff Jason Rickman has suffered and will continue to suffer loss of consortium, including but not limited to the loss martial relations, society, comfort, companionship, support and services of the plaintiff Patricia Ann Rickman, all to his economic and non-economic damages in an amount not to exceed \$1,000,000.00.

**PUNITIVE DAMAGES**

19.

Defendants have shown a reckless and outrageous indifference to a highly unreasonable risk of harm, and have acted with a conscious indifference to the health, safety and welfare of others. Defendants have misrepresented the health dangers and the safety and the addictiveness of their

///

1 cigarettes to maintain and increase their income and profits. Plaintiff will move at the appropriate time  
2 for permission to add a claim for punitive damages based on Defendants' misconduct.

3 WHEREFORE, plaintiff prays for a judgment in favor of PATRICIA ANN RICKMAN  
4 against defendants, for:

- 5 1. Economic damages in the amount of \$200,000.00;
- 6 2. Non-economic damages in the amount of \$5,000,000.00;
- 7 3. Costs and disbursements incurred herein; and
- 8 4. Such other and further relief as the Court finds just and appropriate.

9 WHEREFORE, plaintiff prays for a judgment in favor of JASON RICKMAN against defendants, for:

- 10 1. Damages for loss of consortium in the amount of \$1,000,000.00;
- 11 2. Costs and disbursements incurred herein; and
- 12 3. Such other and further relief as the Court finds just and appropriate.

13  
14 DATED this 27<sup>th</sup> day of June, 2019.

15 **THOMAS, COON, NEWTON & FROST**

16 /s/ James S. Coon \_\_\_\_\_  
17 James S. Coon, OSB No. 771450  
18 Email: [jcoon@tcnf.legal](mailto:jcoon@tcnf.legal)  
19 Of Attorneys for Plaintiff

20 **THE ALVAREZ LAW FIRM**

21 /s/ Alex Alvarez \_\_\_\_\_  
22 Alex Alvarez  
23 Email: [Alex@TALF.Law](mailto:Alex@TALF.Law)  
24 Of Attorneys for Plaintiff (*Pro Hac Vice*)

25 Trial Attorney(s): Same