



Policy & Legal Services
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To: Members of the Board of Education
From: Doug Larson
Re: Mass Action Lawsuit
Date: August 5, 2021

Policy and Legal Services has invited Joel Wright from the law firm of Kirton McConkie to discuss the mass action lawsuit many districts across the country have joined against vape manufacturer Juul Labs, Inc. This lawsuit seeks to recover damages school districts have suffered as a result of Juul failing to sufficiently limit access to its products by K-12 students. Damages come in the form of added capital costs and added costs of personnel and programs used to combat vaping in schools. Attached is a letter from Franz Law Group in California. That group has filed the suit and has recruited Kirton McConkie as local counsel. I attach the letter as it may provide some additional useful information.



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From: William B. Shinoff, Esq.
Subject: School District v. Juul Labs, Inc., et. al.

This memo will cover frequently asked questions by administrators and Boards of Education regarding the ongoing vaping litigation.

Class Action v. Mass Action

This litigation that School District's across the country are joining against Juul Labs, Inc. and other distributors and marketers of vaping products is a type of class action. This litigation is commonly referred to as a Mass Action. The difference between a Class Action and Mass Action is the final financial benefit to the client.

In this litigation each School District will file their own individual action in the local Federal Court. Within thirty days their case will be transferred to the Federal Court in San Francisco, California where all School District cases against Juul Labs and the other vaping company defendants will be litigated. As a group, we will be conducting extensive discovery against the Defendants in order to prove our claims in this matter.

During this time frame there will be settlement discussions between the parties to resolve these cases. This is where the difference between a Class Action and Mass Action exists. When there is a resolution, each client will present to the Defendants a demand package which shows the extent of their past and future damages. This demand package will provide the Defendants the true amount it will take to resolve each specific School District's case. Thus, each District that is involved in this litigation will be entitled to the full extent of all past and future monetary damages.

In a Class Action, the signed up individual Plaintiff's do not receive the full extent of their actual past and future damages. But receive a nominal amount which represents the credibility of their claim.

This is why, when there are cases where there is extensive damages for a Plaintiff, such as this case with School District's. A mass action is the appropriate way to handle this matter.

Staff Time and Requirements

Unlike common litigation that School Districts are involved in, this litigation will not require an immense amount of staff time and involvement. Based on prior Mass Action cases, it is our expectation that staff involvement in this matter will not exceed ten hours. This staff time will include responding to written questions from the Defendants and limited document production. Unlike other litigation, this case will **not** require administrators or staff to be deposed or make an appearance in court.



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Benefits to the Participating School Districts

In this litigation we will be seeking not only past monetary damages your District has suffered but also obtain from the defendants the appropriate compensation to deal with this vaping epidemic on your campus in the future. The focus of these future damages will be about deterrence, support and education.

Vape Detectors

One way to deter vaping on campus is through the installation of vape detectors in your campus bathrooms. Based on proposals from experts, a complete installation of a vape detector system will cost around \$5,000/bathroom. Thus, we will be obtaining for your district the appropriate compensation in order for your district to install vape detectors systems in all of your bathrooms.

Salaries for Supervisors and Counsels

Based on discussions with our current clients and our experts. It appears that it will be necessary for Districts to hire more employees to be able to provide further supervision of students to make sure that vaping is not occurring on campus. In addition, due to the nicotine addiction that is a result of the students use of these vaping devices there will also be a need for more counselors. These counselors will be able to provide support for the social and emotional issues that come with nicotine addiction. As such, we will be seeking compensation from the Defendants to pay for these additional staff that we believe your District may need to hire to support the students of your District.

Education on the harms of vaping

The final component of the future damages we will be seeking from the Defendants is funding for educational programs for students and parents on the harms of vaping. Due to the Defendants fraudulent and misleading advertising to students it is apparent that students are not aware of the harms of these products. These educational programs will help with the goal of deterring future use of the product and hopefully provide support for these students to stop using the product entirely.

Free Educational Program for students and parents during the Litigation

As this vaping epidemic is not a matter we cant wait to deal with, our firm has put together a group of medical experts to put on presentations to your students and parents on the harms of vaping. We are offering these presentations at no cost to the client. We just ask the client to contact us so we can schedule the presentation.



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Contingency Fee Agreement

This litigation is being handled by our firm on a contingency fee agreement. A contingency fee agreement means that your School District is not responsible for any fees or costs if your District does not receive any monetary compensation in this matter. Any compensation to our firm for fees and costs would come from the recovery your District receives. As such, no general fund money will ever be used for this litigation.

Additionally, we have reduced our attorney fees in this litigation. Normally, our attorney fees would be forty percent of the recovery. However, in this litigation our attorney fees structure is twenty percent if the case resolves in the first year and twenty five percent thereafter. No matter how long this litigation takes. Thus, there is only a financial benefit for your School District to be involved in this case.

Next Steps

If your District is interested in joining the other Districts across the country in this fight against the vaping industry the following are the next steps you would need to take:

- 1.) Contact William Shinoff at 855-735-5945 or wshinoff@frantzlawgroup.com to set up a presentation for your board.
- 2.) A presentation to your board in executive/closed session or open session regarding this litigation.
- 3.) Placement of the contingency fee agreement on the board agenda for approval.