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Lawyer predicts more costly smoking lawsuits against casinos

By Liz Benston

Thu, May 12, 2011 (2:05 a.m.)

At an anti-smoking conference in Las Vegas this week, the lawyer behind one of the largest settlements against a casino for allowing smoking said similarly expensive lawsuits are likely as casino workers across the country seek his advice in pursuing complaints against their employers.

“Workers are finding the courage to come forward and potentially submit claims in New Jersey, Nevada, West Virginia and Louisiana,” said Jeffrey Carton of Meiselman, Denlea, Packman, Carton & Eberz P.C., a New York law firm that pursues complex class-action cases.

Carton represented Vincent Rennich, a casino pit boss who won a \$4.5 million settlement last year against the Tropicana in Atlantic City. Rennich, a nonsmoker, was diagnosed with lung cancer at age 48 after 25 years at the Tropicana.

“I didn’t think I’d live to see 49, let alone 50,” Rennich said at the inaugural National Smokefree Gaming Symposium. For years, Rennich said he collected newspaper clippings of Atlantic City casino workers who had died young of lung or heart problems — complications he believed were linked to smoky casinos.

Rennich said he joined a small exodus of Atlantic City casino workers who went to neighboring Delaware, which has banned smoking in businesses including casinos, bars and restaurants.

Delaware casinos reported business declines after a smoking ban passed in 2002 but business has increased since then.

Rennich began work at Dover Downs about a year ago. The casino’s table games business is good, he said, and gamblers appreciate the smoke-free environment.

“(Smoking) is not an issue. People go outside if they want to smoke.”

It’s unclear whether suits like Rennich’s will force casinos to ban smoking, the hope of anti-smoking advocates attending this week’s conference.

Under pressure from casino workers who rallied around Rennich, Atlantic City’s city council banned smoking but reversed itself after casinos complained the move would hurt business.

Casino bosses dislike the prospect of forcing customers to take a smoke break because they fear that gamblers will second-guess losses and not return to the tables — or take their winnings and leave, Rennich said.

A smoking prohibition may be even harder for Las Vegas casinos to stomach, he said, because the town is marketed as a place to escape and indulge.

“You can’t put a price on your health,” he said. “I was 22 when I started in the business. I knew cigarettes could kill. I never knew they could kill me.”

[Back to top](#)

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Discussion: 14 comments so far...

By Mary Markel

5/12/11 at 5:08 a.m.

In all my visits to Vegas, not once did I see anyone, guest or employee, forced to enter a casino to be exposed to smoking. Vegas is a get-away for people and you have to take the good with the bad, but it's an individuals choice. If you want to gamble, instead of paying an attorney, spend your money going to states like Illinois where there is a smoking ban and the chances of winning anything is very slim. The ban has effected their profit margin and attendance. It is also a matter of smokers respecting non-smokers in close quarter areas. My suggestion is to have a section strictly for non-smokers like other casinos I've been in.

By Lynn Johnson

5/12/11 at 7:41 a.m.

Second hand smoke health problems is nothing but a scam. The percent of our population that are smokers has decreased steadily for 20 years, yet lung cancer has continued to grow. Why? If you look at charts you can connect lung cancer to car exhaust. Can you imagine 20 years from now, lawsuits about where you can drive your car because valet parkers will be suing. Fat people will be sued for using more gasoline then the rest of us (carrying an extra 100 pounds causes less MPG and causes more exhaust). The largest health care costs to our society due to bad choices are obese people, the same people that wave their hands around smokers while they stuff in another donut.

By KillerB

5/12/11 at 8:39 a.m.

""You can't put a price on your health..."

This article shows greedy lawyers proved you can. And the suits continue to feed.

"Second hand smoke health problems is nothing but a scam."

LynnJohnson -- you're 100% correct on that. Check it out @ http://www.cato.org/pub_display.php?pub_...

"The first thing we do, let's kill all the lawyers." -- Dick the Butcher in Shakespeare's "Henry The Sixth," Part 2 Act 4, scene 2

By Jerry Fink

5/12/11 at 8:58 a.m.

Mary is full of BS! She never saw an employee forced to enter a smoke-filled casino? Does this poor excuse for a human being gamble in casinos that employ only robots? As for smokers "respecting non-smokers?" That only occurs in the fairy-land Mary lives in. I can't count the times a smoker sat down next to me and held the cigarette in the hand closest to me regardless of which side they happened to be on. I've even had smokers light up in no-smoking sections and complain when I tell them they aren't to smoke in the area. So much for civility from dopers hooked on nicotine and tars!

By KillerB

5/12/11 at 11:06 a.m.

"I for one do not like smelling like a cigarette, or have smoke in my face by some a smoker while I'm at the tables! If you want to smoke then go outside and smoke all you want."

delcon00 -- your post would have credibility if it was in the context of the non-smoker already sitting at the table then lighting up without politely checking with neighbors. But your post can be interpreted as the reverse situation -- the non-smoker who comes later then complains when others around him are smoking simply has no reasonable cause.

Ultimately it's all up to the property owner, not government, not you.

"And a woman is only a woman, but a good Cigar is a Smoke." -- Rudyard Kipling "The Betrothed"

By Michael Gage

5/12/11 at 9:27 p.m.

People are designed to breathe air, not smoke. If you don't believe doctors, ask a fireman.

Non-smoking in casinos would allow all gamblers and casino employees to breathe as nature intended. Until clean air becomes the universal policy, all stakeholders will suffer either from the direct effects of smoke exposure or the economic whiplash of expensive lawsuits and settlements.

By Mary Markel

5/13/11 at 8:59 a.m.

Well Jerry, I respect your opinion, but we have had different experiences. I too have had someone sit down next to me and ask if I minded if they smoked. Of course, if the suggestion I made about having non-smoking sections were put in place, it wouldn't be necessary to worry who sat down next to me and if someone lit up, there would be cause to contact casino help. I can understand the employees view also. I worked in a factory for 20 years and worked with asbestos, carbon and many other items that have been found to be a major health concern. I couldn't leave because I had two kids to support because daddy cut out and didn't support them. I'm sure many of the employees may be in a situation like I was. Bottom line, it was my choice to stay there. I have more problem with the exhaust fumes when walking on the strip than I have ever had in the casinos with cigarette smoke. I can move in a casino. I can't control the traffic.

By KillerB

5/13/11 at 9:02 a.m.

"People are designed to breathe air, not smoke. . . Until clean air becomes the universal policy, all stakeholders will suffer either from the direct effects of smoke exposure or the economic whiplash of expensive lawsuits and settlements."

In2wishin2 -- then why have people smoked since about 5000 B.C.E.? Check that out @ http://en.wikipedia.org/wiki/Tobacco_smo...

In spite of the advertising bans and mandatory warnings enacted in the 60s, people still smoke, even kids, in about the same numbers. You're also ignoring the fact the secondhand smoke scares are mostly hoaxes based on junk science. even our own government's propaganda doesn't hold up in court. That's summarized in the link in my first post here.

So it seems you're just buying into the smoke nazis' headlines without looking behind them. Pity. Try thinking for yourself instead of bleating with the rest of the herd.

"Tobacco, hemp, flax and cotton, are staple commodities." -- from Thomas Jefferson "The Works," vol. 3 (Notes on Virginia I, Correspondence 1780-1782), "A Notice Of The Mines And Other Subterraneous Riches; Its Trees, Plants, Fruits, &C."

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