

# Los Angeles School District Sues Juul Over Youth Vaping

By **Hailey Konnath**

Law360 (October 29, 2019, 11:15 PM EDT) -- The Los Angeles Unified School District hit Juul with a proposed class action Tuesday accusing the embattled e-cigarette giant of creating a youth vaping epidemic that has impeded student learning and imperiled the district's more than 600,000 students.

LAUSD, the second-largest school district in the country, has seen a tenfold increase in student vaping since 2013, according to the suit. The epidemic has challenged the academic achievements of students as the district is forced to divert its resources, time and effort to combat vaping, LAUSD said. And it's affected individual learning as well as led to a rise in student absences, which in turn causes a reduction in the district's state funding, the district said.

LAUSD Superintendent Austin Beutner said in a statement Tuesday that the money spent "to deal with the trauma vaping is bringing into our schools is money not spent on instruction."

"By filing this lawsuit today, we are taking a step toward ensuring those responsible will pay the price to repair the harm done to our students, our schools and the communities we serve," Beutner said.

The suit, filed in California state court, comes as Juul is already grappling with a wave of fresh regulatory scrutiny and litigation over the company's candy- and fruit-flavored nicotine-rich products. LAUSD's complaint also lists Pax Labs Inc., the company that developed the Juul e-cigarette before Juul was spun off as a separate company in 2017.

Earlier this month, Juul announced it was **suspending sales** of all flavors other than menthol and tobacco, part of its effort to restore public confidence and combat allegations it deliberately hooked minors with its flavors. That announcement came days after the company was hit with its **first wrongful death suit** over its products, brought by the family of an 18-year-old who allegedly died in his sleep last August after using the e-cigarettes for years.

Panish Shea & Boyle LLP's Brian Panish, counsel for LAUSD, said in the statement that Juul designed its device and used deceptive marketing "to entice and sustain an entire generation of underage consumers into nicotine addiction."

"We intend to hold Juul accountable for its role in the vaping crisis that has affected our youth, our schools, and families across the country who are combating the real and life-threatening consequences of Juul's irresponsible practices," Panish said.

Representatives for Juul and Pax didn't immediately respond to requests for comment late Tuesday.

LAUSD said in Tuesday's suit that reducing youth tobacco use during the past decade has been "one of the great public health success stories." Youth smoking rates fell from 28% in 2000 to 7.6% in 2017, the district said.

"This incredible progress towards eliminating youth tobacco use has now largely been reversed due to Juul's e-cigarette products and vaping," LAUSD said.

Consistent with national trends, Los Angeles students are vaping at high rates that continue to climb,

the district said. In August, more than 30% of LA County high school students reported using e-cigarette products, according to the Los Angeles County Department of Public Health.

"Juul has compelled a generation of youth, who were never cigarette smokers, into nicotine addiction and put them at risk for severe lung injury and/or other health harms resulting from aerosol inhalation," LAUSD said in the suit.

The district said it launched an internal task force of administrators to enforce vaping restrictions. District property has also been affected, the district said, citing students' affinity for vaping in school bathrooms, occasionally referred to as "Juul rooms" by students.

"The district recognizes there is an increasing and immediate need to create and fund intervention, cessation and treatment programs for Los Angeles Unified students as it plans for the devastating impacts of a 'Juuling future,'" LAUSD said in its statement.

Baron & Budd PC attorney John Fiske, counsel for the district, said in a statement from the firm that the district is looking to recover costs and expenses spent battling the epidemic.

"Our students and communities deserve better, and Juul Labs must right this wrong," he said.

Earlier this month, the Judicial Panel on Multidistrict Litigation **sent lawsuits** claiming Juul marketed its e-cigarettes to teens and downplayed the risks of nicotine addiction to a California federal court. Those lawsuits include both putative class actions and individual personal injury cases accusing Juul of misleading consumers into thinking its products were less addictive than traditional cigarettes.

LAUSD is represented by Brian J. Panish, Rahul Ravipudi and Jesse Creed of Panish Shea & Boyle LLP, John P. Fiske and Scott Summy of Baron & Budd PC, and in-house by David Holmquist, Alexander Molina and Devora Navera Reed.

Counsel information for the defendants wasn't immediately available Tuesday.

The case is Los Angeles Unified School District v. Juul Labs Inc. et al., case number 1932301, in the Superior Court of the State of California, County of San Bernardino.

--Additional reporting by Sam Reisman and Emily Field. Editing by Breda Lund.