

Vaping Litigation Involvement from TUSD

The Tucson Unified School District agreed to consider being a part of a litigation to sue JUUL because of heavy vaping in middle schools and high schools.

TUSD governing board members, Adelita S. Grijalva, president of the board, Rachael Sedgwick, clerk, Leila Counts and Kristel Anne Foster, were presented with a litigation by attorneys José de Jesús Rivera from Miller, Pitt, Feldman & McAnally, P.C. and Jon Kieffer from Wagstaff and Cartmell, LLP, a law firm located in Kansas City, Missouri.

Rivera and Kieffer informed the governing board that this was a class action litigation against manufactures, distributors, and sellers of electronic cigarettes and vaping products, according to the Oct. 16, 2019 TUSD agenda.

This litigation is particularly against Juul, a vaping company that started in 2015. Juul produces and sell vaping products including Juul electronic cigarettes that look like compact hard-drives and Juul pods, according to Kieffer.

According to Kieffer, what has not been as covered in the news is the heavy burden that vaping and E-cigarettes has put on schools around the state.

“It’s now pretty well documented that a single puff on a Juul device delivers three to four times the amount of nicotine as a single puff on a traditional, combustible cigarette,” Kieffer said. “Which of course makes you scratch your head at why these companies are saying these are a smoke cessation device or marketing them directly or implicitly as a safer product than a combustible cigarette.”

Because of the heavy usage of E-cigarettes from students in the school district, the litigation is filing for damages incurred in the district because of the marketing, distribution, and usage of these products by students, according to Kieffer.

“This [litigation] is focused on school districts and the harm that is going to the school district,” Rivera said.

Dr. Gabriel Trujillo, the governing board superintendent, said that on behalf of the administration that vaping is the number one problem within their district.

“It’s a pretty serious disruption that we deal with,” Trujillo said.

Kieffer and Rivera strongly recommended the governing board members to take action to be part of this class action litigation because of the harm that vaping is causing in school districts across the country.

According to the TUSD agenda, there is no cost to the district for this legal representation unless there is a monetary recovery obtained by counsel in favor of the Tucson Unified School District.

Governing board member Counts expressed her gratitude about this issue being brought forward at the meeting because of the magnitude of the issue.

“I just want to say thank you for bringing this forward. In every single school visit that I partake in, that’s the number one thing that principles are telling us is their discipline issue and there is so much time and resources, as you know, that goes towards this,” Counts said.

Counts moved to approve the participation of TUSD to be a part of the litigation. Governing board member Sedgewick seconded the motion.

The motion to approve the district's participation in the litigation was unanimously passed.

Sources:

1. <https://go.boarddocs.com/az/tucsonusd/Board.nsf/Public>
2. <https://livestream.com/tucsonunifiedlive/events/6227821/videos/197889313>
3. <https://www.mpfmlaw.com/team/jose-de-jesus-rivera/>
4. <https://wagstaffcartmell.com/attorneys/jonathan-p-kieffer/>
5. <http://govboard.tusd1.org/>