

U.S. AFFAIRS

Lighting Into Big Tobacco

A jury's staggering \$145 billion damage award may not stand, but it signals what could be a grim new legal era for the once invincible cigarette marketers.

By David Noonam

PENALTY in dollars



TOBACCO ON TRIAL



Judge Robert Kaye presided in an unusual multistage trial



Ralph Della Vecchia, whose wife Angie died before she could testify, hugs Margaret Amodeo, whose husband is a plaintiff

THE DEFENDANTS



In late June, Philip Morris CEO Geoffrey Bible announced a buyout of food giant Nabisco. But the nation's leading cigarette seller may be bankrupted if the \$74 billion judgment against it stands

THE PLAINTIFFS



Stanley and Susan Rosenblatt brought action on behalf of 500,000 Florida smokers

Engle v. R.J. Reynolds et al. won't go on forever, as defense lawyers promise. It couldn't possibly last more than 75 years.

The Engle case is a class-action suit—the first 5 ever tried against the tobacco industry—which means that the plaintiffs (in this instance, three) sue on behalf of themselves and others, united by a common complaint. The case bears the name of physician Howard Engle, who suffers from emphysema and was originally the lead plaintiff. For the case truly to run its 10 course, say some legal experts, Florida would have to try each of the hundreds of thousands of complainants' suits individually—to corroborate the \$145 billion aggregate penalty.

And who can bring those suits? Any one of the 15 500,000 or so Florida smokers who have been harmed by tobacco automatically belongs to the class action. If the case approaches a conclusion favorable to smokers, trial lawyers Stanley and Susan Rosenblatt in Miami, who are class counsel, will organize the plaintiffs.

In the meantime, Judge Robert Kaye will issue his 20 final judgment on the jury's verdict. He will probably lower the penalty in order to stay within a Florida law that prevents juries from bankrupting defendant companies. The tobacco companies will ask him to overturn the verdict. Most likely he won't. Off to the appellate court, where the defendants will ask 25 that the class be decertified, as other tobacco class actions have been before it. The case will be heard in Florida's Third District Court of Appeals and, from there, the state supreme court. Both have green-lighted parts of the case challenged by defendants but have yet to review the whole case.

30 If the appeals fail at the state level, the federal appeals system beckons. Optimists see a conclusion in a "few years".

By Eric Roston

TIME, JULY 24, 2000

L í n g u a I n g l e s a

16 What does the expression **big tobacco** in the title of the text refer to?

- (A) King-size cigarettes.
 - (B) Powerful cigarette companies.
 - (C) The name of a big cigarette company.
 - (D) Well-known kinds of tobacco.
 - (E) The type of tobacco used to produce big cigarettes.
-

17 What do the figures in the illustration right below the main title refer to, respectively?

- (A) Sum of money to be paid by plaintiffs / percentage to be paid as penalty.
 - (B) Number of smokers according to cigarette brands / percentage to be paid as penalty.
 - (C) Penalty in dollars / percentage to be paid by tobacco companies in view of 1999 revenue.
 - (D) Number of plaintiffs / the revenue of tobacco industries.
 - (E) The revenue of tobacco industries / number of smokers per brand.
-

18 In "...for the once invincible cigarette marketers", (sentence on top of page) the word **once** indicates that cigarette marketers:

- (A) used to be invincible;
 - (B) are still invincible;
 - (C) will be invincible in the near future;
 - (D) will never be invincible;
 - (E) were never invincible.
-

19 Why was the trial presided by Judge Robert Kaye considered to be "**unusual**"?

- (A) The verdict put an end to a polemic seventy-five-year trial.
 - (B) The plaintiffs' law suit on behalf of themselves and others has deeply impressed the jury.
 - (C) The leading cigarette seller would certainly appeal.
 - (D) It was the first time a class action against big tobacco companies had ever been tried.
 - (E) The case was not just about money.
-

20 In what circumstances can penalties be lowered in Florida?

- (A) When a verdict of not guilty reduces the penalty.
 - (B) When the jury's verdict could bankrupt a company.
 - (C) In case the jury fails to reach a verdict.
 - (D) In case smokers suffer from milder diseases.
 - (E) If the court does not consider a financial penalty to be an appropriate kind of punishment.
-

21 In 'Both have green-lighted parts of the case challenged by defendants but have yet to review the whole case' (lines 28-29), **both** refers to:

- (A) Engle and Reynolds
 - (B) defendants and plaintiffs
 - (C) Stanley and Susan Rosenblatt
 - (D) the appellate court and the federal court
 - (E) Florida's Third District Court of Appeals and the state supreme court
-

L í n g u a I n g l e s a

22 Mark the statement containing true information about the text.

- (A) 500,000 Florida smokers will present a joint legal action against the tobacco industry.
- (B) Stanley and Susan Rosenblatt are plaintiffs who will organize the trials.
- (C) Howard Engle is a medical doctor who was the first plaintiff to sue the tobacco industry.
- (D) A law in Florida protects bankrupt companies against law suits.
- (E) The case will be heard in Florida's Third District Court of Appeals, after being discussed at the State Supreme Court.

23 Number the column on the left according to the column on the right:

- | | |
|-----------------|--|
| () 500,000 | (1) Possible penalty (in dollars) to be paid by Philip Morris. |
| () 74 billion | (2) Penalty (in dollars) involved in the Engle case. |
| () 75 | (3) Approximate number of smokers in Florida who have been harmed by tobacco. |
| () 145 billion | (4) Maximum number of years the Engle case might last, according to defense lawyers' comments. |
| () 76 | (5) Percentage to be paid by Lorillard Tobacco in view of its 1999 revenue. |

Now, mark the alternative which contains the correct sequence.

- (A) 2, 5, 4, 1, 3
- (B) 3, 1, 4, 2, 5
- (C) 2, 3, 5, 1, 4
- (D) 1, 4, 3, 2, 5
- (E) 5, 3, 4, 2, 1

24 In the sentence, "In the meantime, Judge Robert Kaye will issue his final judgment on the jury's verdict" (lines 19-20), **In the meantime** could be replaced by:

- (A) During
- (B) Nevertheless
- (C) Actually
- (D) Meanwhile
- (E) However

25 In "Optimists see a conclusion in a 'few years'." (lines 31-32), Eric Roston is being:

- (A) ironical
- (B) arrogant
- (C) optimistic
- (D) conceited
- (E) pessimistic



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Scientists complete human gene mapping

June 26, 2000

WASHINGTON (AP) – In what was called “a historic point in the 100,000-year record of humanity,” scientists announced that the human genetic code essentially has been 5 deciphered, a monumental achievement that opens a dramatic new frontier in medicine.

Knowing the human genetic code, said President Clinton, will give science “an immense new power to heal” by attacking 10 disease “at its genetic roots.”

Because of the new genetic knowledge, said the president, “our children may know cancer only as a constellation of stars” and not as a disease that kills and maims.

Clinton also cautioned that the genetic map must never be used to 15 segregate, discriminate or invade the privacy of human beings. Legislation that offers such protection is circulating in Congress.

J. Craig Venter, chief scientist of Celera Genomics, a Rockville, Md. company that completed the genome project in just nine months using powerful computers, said the work “creates at least the potential” to 20 cure cancer and to find previously impossible treatments for hundreds of diseases that have plagued humans for centuries.

“Today...marks a historic point in the 100,000-year record of humanity,” Venter told an East Room audience that included ambassadors, agency chiefs, scientists and, participating from London 25 on a television hookup, British Prime Minister Tony Blair.



AUDIO

[Francis Collins:](#)
Decoding will open up many new discoveries

[Craig Venter: Blocking](#)
cancer growth.
[developing new drugs](#)
among the applications.

USA TODAY's Tim
[Friend: Consumers won't](#)
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Blair said mapping the genome "has implications far surpassing even the discovery of antibiotics." He said the achievement "carries humankind across a frontier and into a new era."

"We have caught a glimpse of an instruction book previously known only to God," said Dr. Francis Collins, director of the National Human Genome Research Institute and leader of the international, publicly financed Human Genome Project.

35 Collins said the effort supported by public funds had completed a "rough draft" of the genome, which means that more than 97% of the chemical base pairs have been identified and sequenced, and about 85% has been placed in the correct order in the chromosomes.

"It is not all zipped up with every letter identified," Collins told a news conference. "That will take another two years."

Venter said the genome map produced by his company also has gaps that eventually will be filled.

The public and private efforts, the scientists said, used different methods. This has a scientific advantage, they said, because the two 45 teams will now compare their results to help ferret out any errors and to fill in the missing gaps.

On the Web

National Human
Genome Research
 Institute

Celera Genomics

26 What is implied in "our children may know cancer only as a constellation of stars"? (lines 11-12)

- (A) Children will know that cancer is a star.
- (B) Future generations will not know the meaning of the word cancer.
- (C) The word cancer will be associated only with a lethal disease.
- (D) Future generations will no longer associate the word cancer with a lethal disease.
- (E) Children will be protected by the stars.

27 According to President Clinton, what would be an important benefit of the mapping of the human genetic code?

- (A) The elimination of segregation and discrimination.
- (B) The opportunity to learn about new constellations of stars.
- (C) The possibility of attacking and curing diseases like cancer.
- (D) The cure of cancer and all other diseases.
- (E) The chance of mapping genetic roots.

<http://www.usatoday.com/life/health/genetics/lhgec068.htm>

26/06/2000

28 Blair's remark on paragraph seven means that:

- (A) the mapping of the genetic code cannot be surpassed by the discovery of antibiotics;
 - (B) the discovery of the human genetic code is as important as the discovery of antibiotics;
 - (C) the discovery of antibiotics was not very important;
 - (D) the discovery of antibiotics had significant consequences for the deciphering of the genetic code;
 - (E) the mapping of the human genetic code may have greater implications than the discovery of antibiotics.
-

29 What type of text can "Text II" be an example of?

- (A) A newspaper or a magazine article
 - (B) A scientific paper
 - (C) A company advertisement
 - (D) A political speech
 - (E) A research proposal
-

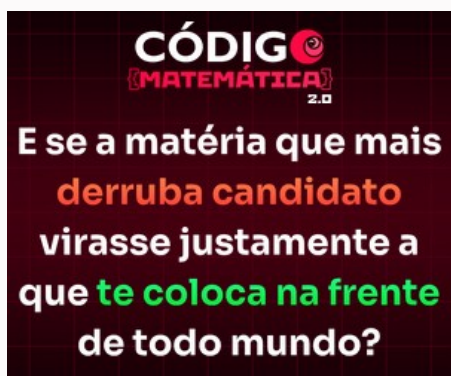
30 How do "Text I" and "Text II" compare? Both refer to:

- (A) the development of new industries
 - (B) joint-venture projects
 - (C) historic feats
 - (D) the integration of nations
 - (E) the genetic milestone
-

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