

RE: Quick question

Edward L. Sweda, Jr. [edsweda@phaionline.org]

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To: Blum, Alan

Mealey's Managed Care Liability Report April 28, 2000

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SECTION: Vol. 4; No. 8

HEADLINE: N.Y. Hospital Tobacco Complaint Available

DATELINE: MINEOLA, NY

BODY:

The 167-page complaint filed by more than 140 New York hospitals against eight tobacco companies March 30 is available through Mealey's Document Service (A.O. Fox Memorial Hospital, et al. v. American Tobacco Co. Inc., et al., No. n/a, N.Y. Sup., Nassau Co.; See 4/14/00, Page 9).

The hospitals and the Healthcare Association of New York State (HANYS) sued the tobacco companies for \$ 3.4 billion to cover the costs of past, present and future health care costs associated with tobacco-related illnesses.

The hospitals allege that the tobacco industry has conspired to sell tobacco products despite knowledge that the products are harmful to human health, as well as addictive. The plaintiff hospitals seek to recover unreimbursed and under-reimbursed costs for health care provided to patients suffering from tobacco-related illnesses caused by the use of or exposure to tobacco products. The action seeks to recover the costs incurred directly by hospitals which provided care to the uninsured and to Medicaid and Medicare patients whose publicly funded plans did not fully cover the costs of their care. According to HANYS, the action cites specific violations of New York State's General Business Law.

The defendants are Brown & Williamson Tobacco Corp., Lorillard Tobacco Co. Inc., Philip Morris Inc., R.J. Reynolds Tobacco Co., United States Tobacco Co., The Council for Tobacco Research - U.S.A. Inc., The Tobacco Institute Inc. and Hill and Knowlton Inc.

The plaintiff hospitals include facilities in New York City, the Nassau-Suffolk Region, Northeast and Central New York, the Rochester region and Western New York.

The complaint was filed by Thomas S. D'Antonio, Henry J. DePippo, Eric J. Ward and Kathryn K. Lee of Nixon Peabody in Rochester, N.Y., and Garden City, N.Y.