

Breaking Legal NEWS

Immediate Release

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Long-Time Marlboro Smokers Sue Philip Morris To Provide
State-Of-The-Art CT Scans That Catch Early-Stage Lung Cancers.

Groundbreaking Class Action Lawsuit Can Save Thousands
At Risk From Philip Morris' Marketing Of Cigarettes Delivering
Unnecessarily High Levels Carcinogens, Lawsuit Claims.

NEW YORK CITY— New York State's long-term Marlboro smokers over 50 years of age would receive state-of-the-art medical screening with a new CT-Scan that, unlike x-ray, can find early-stage lung cancer before it grows incurable, according to a groundbreaking federal lawsuit filed today in New York City by nationally known law firm Levy Phillips and Konigsberg, LLP

The federal class action lawsuit was filed against Philip Morris by New York State Marlboro smokers who are at risk for, but not presently diagnosed, with lung cancer. So-called "20-pack-year" and greater smokers over the age of 50, including those who stopped within the past year, are plaintiffs in the suit.

Highly unusual, the suit seeks no money from Philip Morris for the plaintiffs. Instead, they demand yearly Low Dose Cat Scans ("LDCTs") which are generally not covered by standard health insurance policies. Philip Morris must assume responsibility for its conduct by providing this new medical surveillance for the lives they put at risk, according to the lawsuit.

Lung cancer is the U.S.'s most lethal cancer, killing more Americans annually than the next three most lethal cancers combined. And more than 80 percent of all lung cancers are caused by cigarette smoking, according to The American Cancer Society. For many years nearly 50 percent of all smokers in the U.S. smoked - and still smoke - Marlboro brand cigarettes, according to the lawsuit.

Until LDCT was perfected there was no effective way to identify early-stage lung cancers, when treatment and cure are more likely, according to the lawsuit. Conventional x-ray and other procedures usually do not identify lung cancers until a patient has become symptomatic (e.g. coughing up blood, or short of breath), or until a tumor has become orange-sized. Prospects for cure in these advanced-stage tumors are dim, Attorney Jerome H. Block explained.

Newly developed LDCT delivers less radiation than conventional mammography and is able to identify tumors smaller than a grain of rice. These early-stage tumors can be treated and cured in the overwhelming majority of cases, according to court documents. Unfortunately, patients whose cancers have progressed at the time they are discovered have a less than one-in-five chance of surviving five years after diagnosis based upon clinical studies cited by The American

(More)

Cancer Society, Block noted.

“Philip Morris is obligated morally, not just legally to make a health investment to help prevent death and suffering caused by Marlboro tobacco smoke,” Block added, noting that LDCT costs less than \$500 per year, per patient.

Philip Morris’ culpability for inflicting harm is well known, Block explained. “For decades, Philip Morris marketed its deadly and addictive product, concealing the fact that Marlboros exposed smokers to at least 10 times the amount of the most potent carcinogens as compared to safer cigarettes that Philip Morris could have manufactured but declined to market,” Block said.

Until today’s filing, most lawsuits against tobacco manufacturers have sought money damages for personal injury, wrongful death, consumer fraud, or reimbursement to individual states for the costs of caring for tobacco victims who have gotten sick or died,” Block said.

“Billions of tobacco settlement dollars will be spent over the coming decades to keep youngsters from smoking,” Block noted. “This suit gives hope to tens of thousands of already hooked New York smokers, regardless of income or health insurance, providing access to medical technology that can save their lives.”

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To learn more about LDCT around the world visit <http://www.ielcap.org>.

Case File: *Caronia v. Philip Morris USA, Inc.*, United States District Court for the Eastern District of New York

About Levy Phillips & Konigsberg, LLP (<http://www.lpklaw.com>)

Levy Phillips and Konigsberg, LLP is nationally recognized for handling all phases of state and federal complex legal matters, from initial investigation through, litigation, trial and appeals. The firm represents individuals and employees with mass-tort, toxic tort, product liability, personal injury, whistleblower, qui tam, employment discrimination and retaliation claims. With offices in midtown Manhattan, Goshen, New York, and suburban Princeton, New Jersey, the firm's attorneys consistently have won landmark decisions enhancing the rights of individual workers and consumers injured by exposure to toxic substances, defective products and negligent behavior, with jury trial damage awards among the highest in the nation.

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