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## Tobacco lawyers' queries restricted

Paul Gustafson / Star Tribune

A Ramsey County judge on Thursday sharply curtailed challenges by tobacco companies to the judge who presided over the Minnesota tobacco case and to his release of 39,000 industry documents.

Attorneys for tobacco companies can challenge Judge Kenneth Fitzpatrick's decision to unseal about 5,000 documents in the case, but they can't use material from the judge's medical records to challenge his competence, Ramsey County Chief Judge Lawrence Cohen said Thursday.

He also said the tobacco companies cannot challenge Fitzpatrick on his decision May 31 to unseal about 34,000 documents.

The documents had already become public when the tobacco companies turned them over to a congressional committee.

The chief judge said he will review a videotape of the closing arguments that Michael Ciresi, the state's lead attorney, had planned to deliver after a \$6.1 billion settlement was reached. The judge wants to see if it contains any inappropriate comments by Fitzpatrick, who attended Ciresi's 3½-hour presentation, along with jurors.


But Cohen denied the tobacco company attorneys' request to ask Fitzpatrick and his staff any more questions about their contact with Ciresi and other state attorneys.

In court papers, the company attorneys said they needed medical records and information filed on Fitzpatrick's early retirement because of medical disability. They wanted to determine if his health problems prevented a fair trial, the papers said.

Under questioning by Cohen, company attorney Peter Sipkins denied that the requests were aimed at overturning the settlement in the tobacco case. Rather, he said, the companies are concerned that Fitzpatrick's orders to disclose their documents are being cited by

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attorneys and judges in other cases across the country.


The state's attorneys argued in court papers that the request for Fitzpatrick's medical records was a thinly veiled attempt by the companies to overturn issues already decided.

Ciresi said in court Thursday that he has no objection to Cohen viewing the videotape, because it will show no inappropriate comments by Fitzpatrick.

In another development Thursday, Cohen signed an order approving a plan to administer a \$102 million **smoking**-cessation program for Minnesotans that will be paid for by **tobacco** companies as part of the settlement. The settlement also requires the companies to pay \$100 million over 10 years into a national **smoking**-cessation research effort.

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