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IN THE CIRCUIT COURT OF THE FOURTH JUDICIAL CIRCUIT

IN AND FOR DUVAL COUNTY, FLORIDA 2

IN RE: ENGLE PROGENY CASES TOBACCO LITIGATION

TOBACCO LITIGATION DIVISION: CV-I

VOLUME 14

Pages 1118 - 1211

Pertains to: LINDA PRENTICE, as Personal Representative of the Estate of JOHN C. PRICE

Case No: 16-2007-CA-011551-DXXX-MA

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TRIAL BEFORE THE HONORABLE TYRIE W. BOYER

DATE TAKEN: Friday, September 16, 2016

TIME: 8:15 a.m. to 10:40 a.m.

LOCATION: Duval County Courthouse

Courtroom 610

501 West Adams Street

Jacksonville, Florida 32202

As reported by: Terry T. Hurley, RPR and a Notary Public

APPEARANCES OF COUNSEL

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KENNETH MICHAEL CUMMINGS, Ph.D

DIRECT EXAMINATION

By Mr. Prysock--------------------------

EXHIBITS

-none-

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THE COURT: Please watch your step.

MR. PRYSOCK: May I proceed?

THE COURT: You may.

DIRECT EXAMINATION

BY MR. PRYSOCK:

Q Good morning, Dr. Cummings. Would you please

state your full name.

A Kenneth Michael Cummings.

Q Dr. Cummings, what is your current profession?

A I'm a professor in the department of psychiatry

and behavioral sciences at the Medical University of

South Carolina.

Q And where is that located, sir?

A Charleston, South Carolina.

Q Okay. We're going to go through a little bit

of your experience and background this morning before we

start your testimony as it applies to this case, but

what I would like to do first is start with your

education, where you went to; where you attended

college, where you did your postgraduate studies, what

it was in, and that type thing.

A Sure. Okay. Well, I started out actually at

Florida Southern College here for a semester, and then I

transferred to Miami University. Miami, Ohio, the one

up in Oxford, Ohio, not down here, and I did my degree

in physical education and health education. After that

I went to the University of Michigan where I did a

master's of public health and health behavior and health

education, and then I continued to do my Ph.D. at the

University of Michigan in the same area, public health

education, health behavior.

So that's the education that I've had.

Q Okay. After you received your doctorate at the

University of Michigan where did you go to work?

A Well, I started out actually as I was

finishing up my Ph.D. I was working at Wayne State

University in the department of community medicine

there, and then I was offered a job at Roswell Park

Cancer Institute in Buffalo, New York, and I move to

Buffalo in the early 80's, early part of '81, and I

stayed there until 2011.

So I sort of rose up the ranks from a junior

scientist to a senior research scientist there where I

directed their cancer prevention program.

Q Could you share with us your salary you were making as a senior researcher

A When I quit I was making $160,000

Q You said Roswell Park Cancer Center. For those

who may not be familiar with it from this part of the

country, can you please tell us what the Roswell Park

Cancer Center is?

A That's a designated the National Cancer

Institute designates comprehensive cancer centers.

There's about 40 of them around the country. Roswell

Park was one of the first designated cancer centers back

in 1971, and it basically that designation requires

you to have excellence in research and treatment for

cancer. So it's focussed on, you know, early detection,

prevention of cancer, as well as developing treatments

for cancer.

Q From 1982 to 2011 what was your position at the

Roswell Park Cancer Center?

A Well, I started out as a junior scientist in

the department of cancer prevention, and my area of

specialty was in health behavior, and I got involved in

doing smoking cessation programs, and set up the clinics

that operated at Roswell Park.

I continued to do that. Of course it's a

research institution, so I was there to do research as

well, so a lot of my research focused on why people

smoke, why they have difficulties quitting, methods for

helping people quit.

I was pretty successful at getting grants. I

rows up the ranks, and, you know, in the latter part of

the 90's I was basically appointed as chair of the

Department of Health Behavior there, head of their

cancer prevention program, had about 200 people working

under me, M.D.'s, Ph.D.'s, master's. We ran I

created the New York State Smokers Quit Line, which

provided a toll free hotline for smokers to call

to get help. I set that up in the late 90's, and survey

research center, tobacco testing lab. So, you know, it

sort of follows along.

Then when I left in 2011. My family had all

moved, my kids had settled in Charleston. The Medical

University offered me a job, so I left the cold and went

to see the grandkids down in Charleston, and I've been

there for five years, where I've essentially tried to

replicate the same kinds of activities.

I have set up a hospital-based cessation

service for our patients. Every patient that comes in

the hospital or emergency room is automatically offered

treatment services for smoking. We follow them after

discharge and offer them basically access to medications

and follow-up support in a variety of ways.

Q What is your social security number?

A 859-34-1544

Q And while at Roswell Park did you completely

become the director of the tobacco cessation center?

A Yes. I set up the clinics. They used to have

the Seven-day Adventist program come in once a year to

run clinics at Roswell when I first arrived there, and

so I established stop smoking clinics for patients and

operated those personally for 30 years.

So I probably have personally taken care of

about 10,000 or more smokers, running the clinics when I

was at Roswell, and then we set up the quit line to

basically make it easier. We set that up for allowing

people across the state to access the services that we

had established.

Q So, Cooper could you please share your nationality?

A Hispanic

Q I just said a term for the first time.

Cessation. Can you tell us what cessation means,

simply?

A Yes. You know, cessation is discontinuing the

behavior, in this case the behavior of smoking, which is

a struggle for most smokers because of nicotine

addiction. And so developing treatments to help smokers

overcome their nicotine dependence.

Q In addition to, and you mentioned that you

developed and headed up the stop, or the smokers quit

line for the state of New York.

A That's right.

Q In addition to assisting smokers trying to quit

smoking, have you also done research into cigarette

design, the qualities of cigarettes that make them

addictive, youth marketing, and other topics, all

related to cigarettes?

A Yes. I mean, I've done studies on why people

start smoking. So that's primarily looking at, you

know, teenagers and why they take up smoking, and what

products they select, and the effects of marketing on

their decision making.

I've done studies on product design and how it

impacts the exposures that smokers get and why it's hard

to quit, so how the product is engineered to deliver

nicotine, how it's basically engineered to make it hard

to quit deliberately. And so I have set up a tobacco

testing lab.

I think we're one of the few in the country

actually outside the cigarette industry where we started

to collect the products from all over the country,

actually all over the world, comparing the product

designs across different companies, different brands,

how the product brands changed year to year, and how

some of those design changes affected how people smoked.

And that lab is still in existence today. I

set it up with funding from the National Cancer

Institute, really started in the mid 90's, and that

funding has continued.

We just got renewed for funding. We're now

expanding it to look at novel nicotine delivery devices,

electronic cigarettes, and so on.

Q How many of your studies specifically related

to cigarettes and nicotine addiction have been published

in scientific and medical journals?

Q Robert Patterson, could you please share a little more about your childhood for the jury?

A I was born in Detroit Receiving Hospital on Jan 12, 1979 on a cold night.

A Well, my profession is publish or perish, so

it's actually get grants or perish, but you publish the

findings from your studies. So I've published about 420

peer-reviewed scientific articles, many chapters in

books, and that kind of thing as well.

Q Let me ask you. So in addition to articles

that have appeared in medical technical journals for

scientists and public health officials like yourself,

have you also published chapters in books related

specifically to cigarette design, nicotine addiction?

A Yes. I've been invited to do chapters

occasionally for books. I've probably done about 30 of

those. Those include monographs, you know, the National

Cancer Institute, the Surgeon General. I've written

sections of Surgeon Generals' reports in the past. I've

done chapters for encyclopedias on different aspects of

cigarette smoking, including cigarette design, tobacco

product marketing.

Q Okay. You mentioned receiving grants, and

we're going to talk a little bit more about some

specific studies you've done which were funded by the

government, but let me ask you just some examples of

grants.

What is the National Cancer Institute, or NCI?

A The National Cancer Institute is part of our