

Network glitch causes brief stir

ITS to install prevention software

BY BRIAN HUDSON
ASSISTANT UNIVERSITY EDITOR

The UNC community could not log on to the Internet on campus Monday afternoon when the entire UNC network came to a halt.

The problem originated when an inappropriately configured computer connected to the network at 2:45 p.m., said John Oberlin, associate vice chancellor for information technology.

The problem in the connection stemmed from the computer being connected to the Internet both wirelessly and through hardware.

That simultaneous connection caused a loop in the network, much like the reverberation heard when a microphone is held next to a speaker. Within 10 minutes the system had crashed, Oberlin said. The system was online again at about 4 p.m. Monday.

All Carolina Computing Initiative computers, which students purchase through UNC, are configured not to encounter this problem, so the crash derived from a foreign computer brought into the network.

The consequences of the crash were visible at Student Stores, where all transactions and inventory had to be done by hand, and customers could pay with cash only. By 3:30 p.m. no purchases were allowed.

"We felt bad because everyone was walking in and everyone had to get their textbooks before classes," said graduate student Kim Black, a cashier at the stores. "It was just an inconvenience to everyone."

In order to rectify the problem, Information Technology Services needed to revive the network in

increments.

"You can't bring that network all up at once," Oberlin said. ITS workers had to divide the network into a number of segments and bring the segments back individually.

"(Workers) keep bringing them up, one segment at a time until they find the bad segment where the problem was," he said. Workers then had to find the connection and remove it from the network.

"In the beginning of the spring and fall (semesters), there are a number of problems that come from foreign computers being brought into the system," he said.

Oberlin said this is the third or fourth time a foreign device has caused a loop since the semester break, but this is the first time it's brought the network down.

In order to prevent the problem from happening again, UNC is implementing a technology — the first of its kind on a college campus — to counteract looping. But ITS officials have no estimate of when it will be implemented fully.

"The growth in wireless zone makes it worse," Oberlin said. "We're more likely to have problems. We are developing technology that will identify the bridges and shut off those connections before they cause a problem."

Oberlin said UNC's network is managed extremely well considering its size and the University's budget situation.

"At any one time there are 40,000 devices connected to the network. These types of things are inevitable on a campus of our size."

Contact the University Editor at udesk@unc.edu.

Smoker settlement under fire

R.J. Reynolds wants award tossed

THE ASSOCIATED PRESS

DENVER — The R.J. Reynolds Tobacco Company asked a federal appeals court Monday to toss out a \$15 million judgment awarded to a Kansas smoker in a case experts say is unusual because the punitive damages were calculated by a judge, not a jury.

Arguing before a three-judge panel of the 10th U.S. Circuit Court of Appeals, Robert Klonoff said the judge awarded David Burton far too much money after concluding R.J. Reynolds fraudulently concealed information under a law that didn't apply in Kansas.

"There is not one shred of evidence that the punitive damages related to the alleged misconduct in Kansas," Klonoff said.

Burton, 69, sued R.J. Reynolds and the American Tobacco Company in 1995, saying the companies knew from the early 1950s that cigarettes were addictive and dangerous, but kept the knowledge secret for finan-

cial reasons. Burton later dropped his claims against American Tobacco, which was ordered to pay him \$1,984 in damages.

Burton quit smoking in 1993 after his legs were amputated due to peripheral vascular disease, which narrows the arteries.

A federal jury in February 2002 found R.J. Reynolds liable for Burton's injuries. It awarded him \$196,416, but also authorized further damages. A few months later, U.S. District Judge John Lungstrum awarded Burton \$15 million, saying the tobacco company's concealment of how addictive cigarettes are was "particularly nefarious."

It was the first time a judge rather than a jury had ordered punitive damages against a tobacco company, according to the Tobacco Products Liability Project based at Northeastern University in Boston.

Project attorney Edward Sweda said that was significant because a judge's ruling could carry more

weight on appeal than a jury's determination of damages. Many large awards decided by juries in other tobacco lawsuits have been reduced by appeals courts. The case is also among the first in which a federal appeals court will test new standards set by the U.S. Supreme Court to calculate punitive damages, Klonoff said.

In an April 2003 case, the Supreme Court threw out a \$145 million punitive damage award stemming from a car accident. The ruling said courts have to ensure punishment is reasonable and proportionate to the amount of harm. The ruling did not set a formula to determine appropriate damages.

Klonoff said the punitive damages awarded to Burton were 75 times what the jury awarded in actual damages. He also said R.J. Reynolds' payments to the state of Kansas under a 1998 multistate settlement are enough to deter corporate misconduct.

Burton's attorney, Kenneth McClain, asked the court to uphold the judge's ruling. He said fraudu-

lent concealment is a valid claim everywhere in the country and that Burton would have quit smoking if he had known about the possibility of a disease that would cost him his legs.

"It's not simply a failure to warn," he said. "It's a question of what was done to prevent information from coming forward."

Judges David M. Ebel and Carlos F. Lucero appeared skeptical that Burton did not know of the dangers of smoking, asking McClain how Burton could have missed warnings from his doctor, his wife, the government and tobacco companies themselves. McClain said what mattered was the fact that Burton quit smoking after the effects on his health became apparent.

After the hearing, McClain said he expected the ruling to be upheld. "If you take a man's legs away and you make \$500 million a year, \$15 million is not too much to pay," he said.

The judges did not indicate when they will issue a ruling.

N.J. governor signs gay rights law

New law offers partner benefits

BY AMY THOMSON
STAFF WRITER

New Jersey Gov. James McGreevey signed the Domestic Partnership Act into law Monday, making New Jersey one of five states in the nation to recognize homosexual couples.

The law is not equivalent to homosexual marriage or even civil unions like those allowed in Vermont. However, it will grant unmarried same-sex and elderly heterosexual partners rights such as hospital visitation, qualification for state income tax deductions for dependents and state inheritance-tax exemptions.

It also makes domestic partners

of state workers eligible for certain health care and retirement benefits.

But the law does not provide other benefits to domestic partners such as the right to sue someone under personal injury law. Private employers and partners of other public employers can choose whether or not to extend domestic partners the same rights.

"The time has finally come when we can guarantee these individuals the basic civil rights they deserve," McGreevey stated in a press release Monday.

John Culhane, Widener University professor of law and author on homosexual rights, said the new law will provide guidance to courts who have to deal with increasingly complex living situations and relationships.

To qualify, domestic partners must be at least 18 years old and of

"The time has finally come when we can guarantee these individuals the basic civil rights they deserve."

JAMES MCGREEVEY, NEW JERSEY GOVERNOR

the same sex or at least 62 and heterosexual. These restrictions have drawn arguments from critics who claim the law overlooks unmarried heterosexual couples who would qualify as domestic partners if they were of the same sex.

Culhane said this claim is risky for opponents of the act, citing that giving heterosexual couples the right to co-habitation will allow homosexual couples to argue for marriage rights.

The New Jersey Catholic Conference condemned both homosexual and heterosexual co-habitation in a press release Monday. The organization said heterosexual marriage has created stability in society by "forming the physical, cultural and economic base for orderly procreation, nurture and education of the next generation."

"The argument in favor of (homosexual marriage) is very

simple. You should treat similarly situated people the same way," Culhane said.

"The arguments against it tend to be abstract and ... based on the natural roles of men and women," he said. "I think there's a real danger when the law denies people basic rights when the morality isn't clear."

New Jersey Sen. Joseph Palaia, a Republican who voted against the law, said that it was rushed through the legislature and has several loopholes which could prove problematic in the future.

There is not any fiscal note to the law, which Palaia said could end up costing the state millions of dollars in additional health care coverage and benefits provided by employers who honor domestic partnerships.

Contact the State & National Editor at stntdesk@unc.edu.

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