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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

IN RE HANFORD NUCLEAR RESERVATION)
LITIGATION) NO. CV-91-3015-WFN
) **TENTH STATUS CONFERENCE**
) **ORDER: OCTOBER 28, 2004**
)
)
)

This Order relates to: All Cases

A tenth status conference was held October 28, 2004, in Spokane, Washington. The following counsel were present representing the listed parties.

Plaintiffs	Counsel
Jaros	Roy S. Haber
Matthies	
Seaman	
Hamilton/Criswell	Louise Roselle ¹ Peter Nordberg Merrill Davidoff (Telephonic) John S. Moore (Telephonic)
Evanson	Tom Foulds John Cummings Arnold Levin Jill Olson
Berg	Richard Eymann Steven Jones Connie Powell
Berg/Lumpkin	David Breskin Brian Depew

¹Lead Counsel for Plaintiffs.

Defendants	Counsel
E.I. DuPont DOE Nemours & Co. [DuPont]	Kevin T. Van Wart ² William (Randy) Squires
General Electric Co. [GE]	
UNC Nuclear Industries, Inc. [UNC]	

Pro se Plaintiffs Noreen L. Wynne, Carmela M. Destito-Buttice (for late John P. Destito, Jr.), and Marylin F. Mlnarik were not present.

The Court heard argument on Plaintiffs' Motion for Summary Judgment--Abnormally Dangerous Activity. The Court and the parties also discussed the items on the previously filed Agenda. Following the status conference hearing, the parties presented a scientific session for the Court regarding the basic scientific concepts and related medical issues involved in this case. This Order is entered to memorialize and supplement the oral rulings of the Court. Accordingly,

IT IS ORDERED that:

1. **Plaintiffs' Motion for Summary Judgment--Abnormally Dangerous Activity.** The Court **RESERVED RULING** on the Plaintiffs' Motion, filed September 8, 2004 (Ct. Rec. 1564).

2. **Electronic Case Filing.** The Court urged all counsel to register for electronic case filing as soon as possible.

3. **Citation to Unpublished Decisions.** Local Rule 7.1(g)(2), which prohibits the citation of unpublished decisions except in

²Lead Counsel for Defendants.

1 specified circumstances, shall apply in this matter. If the parties
2 agree that citation to an unpublished decision is appropriate, they
3 may so stipulate. If the parties are unable to agree, they may
4 contact the Court for resolution of the dispute.

5 4. Plaintiffs' Depositions of Defendants' Experts. The parties
6 informed the Court that they had agreed that three depositions would
7 occur after the November 15, 2004 deadline for Plaintiffs to complete
8 the depositions of the Defendants' experts.

9 5. Preservation Depositions. If further preservation deposi-
10 tions are requested, the parties will discuss the reason for the
11 request and contact the Court only if a dispute exists.

12 6. Reinstatement of Plaintiffs' Claims--Rance Jones and Joann
13 Wallace. Mr. Foulds has two pending Motions to Reinstate the Claims
14 of Rance Jones (filed October 1, 2004, Ct. Rec. 1579), and Joann
15 Wallace (filed October 1, 2004, Ct. Rec. 1581). Both Plaintiffs are
16 currently in the Inactive Case, CV-03-9001-WFN. Mr. Foulds will
17 update the medical information on these individuals. The Court will
18 **DEFER** decision on the Motions until it has received Defendants'
19 response to the Motions.

20 7. Pending Motions--Defendants' Daubert Motions (#17).

21 (a) Plaintiffs' deadlines for responses to the Defendants'
22 *Daubert* Motions previously set for November 30, 2004 and December 7,
23 2004 are **STRICKEN and RESET to December 15, 2004.**

24 (b) The Defendants' replies are currently due December 14,
25 2004. That reply deadline is **STRICKEN and will be RESET at the**
26 **December 14, 2004** status conference.

1 8. Plaintiffs' Rebuttal Expert Reports. The Court **GRANTS** the
2 Plaintiffs' request to extend the deadline for the Plaintiffs'
3 expert rebuttal reports, required by Fed. R. Civ. P. 26(a)(2), from
4 November 30, 2004, to **December 15, 2004.**

5 9. Next Status Conferences.

6 (a) The eleventh status conference shall be held **Tuesday,**
7 **December 14, 2004, at 8:00 a.m., in Spokane,** Washington. At this
8 status conference the following items will be discussed:

9 1) Setting of a reply deadline for the Defendants on the
10 Defendants' *Daubert* Motions;

11 2) Setting of a response deadline for the Defendants on
12 the Plaintiffs' *Daubert* motions which will be filed by November 30,
13 2004;

14 3) Scheduling of the *Daubert* motion hearings, the
15 summary judgment motions on the bellwether Plaintiffs, and hearings
16 on objections to trial exhibits. The Court requests the assistance
17 of counsel in considering what *Daubert* motions should be grouped for
18 hearing and the relative timeframe of the hearings on the *Daubert*
19 motions, summary judgment motions, and trial exhibit objections;

20 4) Whether a hearing is necessary on the issue of burden
21 of proof, and if so, when it should be scheduled.

22 (b) Counsel who wish to appear telephonically shall notify
23 Joanna Knutson **no later than** two days prior to the hearing at
24 509.353.3163, in order to schedule a conference call.

25 (c) Lead Counsels' status report shall be filed and served
26 no later than **November 30, 2004.**

