

February 12, 2010

## Berg/Lumpkin Plaintiffs Newsletter

*Published periodically by the law firms of Short Cressman & Burgess PLLC, Engstrom Lipscomb & Lack, Girardi and Keese, Robinson Calcagnie & Robinson, and the Johnson Law Group*

*This update is a general summary of recent events and is not intended to serve as legal advice or an attorney client communication.*

### February 2010 Update

At the January 20, 2010 status conference, the Court established two tracks to begin resolution of claims in the law suit: a trial track and a mediation track. The goal of the trial track is to test the radiation dose models used by the plaintiffs, and will hopefully lead to more agreement between the parties about the worth of claims at various exposure levels. The goal of the mediation track is to settle a category of claims.

The trial track will include the auto-immune hypothyroidism and hypothyroidism (unspecified) claims. Thirty (30) plaintiffs will be randomly selected by the parties to participate in the trial. The Court proposed this trial be held in October, 2010, but the parties have proposed a schedule which sets the trial sometime in 2011.

There will be two mediation tracks, both of which will include thyroid cancer claims. Track A will be the approximately 32 thyroid cancer claims represented by the Engstrom, Lipscomb & Lack, Johnson Law Group, and Short Cressman & Burgess law firms. Judge Dickran Tevrizian will be the mediator for this track.

Track B will be 40 randomly selected plaintiffs from the remaining thyroid cancer claims represented by the other law firms in the consolidated cases. Judge Ed Leavy will be the mediator for this track. By March 1, 2010, the parties will have settled on a schedule for both mediation tracks.

The next status conference is set for March 17, 2010 at 8:30 a.m. at the U.S. District Court in Spokane.

### Please Remember to Help – Tell Us if You Move

It is very important for you to notify us if your name, address or telephone number changes. We cannot effectively represent you if we cannot contact you.

#### Call Us for Information

*If you have any questions about the status of the case or your files, please contact us:*

- *Short Cressman & Burgess PLLC: Paul Dayton or Margaret Moynan  
Toll Free: 1-888-333-2374      E-Mail: mmoynan@scblaw.com*
- *Engstrom, Lipscomb & Lack: Brian Depew      E-Mail: bdepew@elllaw.com*
- *Johnson Law Group: Todd or Scott Johnson – 1-888-254-1997*

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