

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

DEC 23 2004

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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

IN RE: HANFORD NUCLEAR  
RESERVATION LITIGATION, )  
) NO. CV-91-3015-WFN  
)  
) ORDER RE: TELEPHONIC STATUS  
) CONFERENCE: DECEMBER 22, 2004  
)  
)  
)  
)

**This Order relates to: All Cases**

A telephonic status conference was held December 22, 2004. Plaintiffs were represented by Lead Counsel Louise Roselle and Richard Eymann; Defendants were represented by Lead Counsel Kevin Van Wart and Michelle Browdy.

The grouping of *Daubert* motions for hearing was discussed as well as the briefing deadlines. This Order is entered to memorialize the oral rulings of the Court. Accordingly,

**IT IS ORDERED** that:

1. The hearing on the burden of proof issue previously set for January 13, 2005 is **STRICKEN and RESET to January 12, 2005, at 8:00 a.m., in Spokane, Washington.**
2. The twelfth status conference previous set for January 14, 2005 is **STRICKEN and RESET to January 12, 2005, to follow the hearing on the burden of proof.**

1           3. The Defendants' reply on the burden of proof issue shall be filed  
2 and served no later than **December 30, 2004**. The previous deadline of  
3 December 23, 2004 is **STRICKEN**.

4           4. Defendants shall file and serve their response to the Plaintiffs'  
5 *Daubert* Motions related to Arthur B. Schneider and Tom Anderson no later  
6 than **January 14, 2005**.

7           5. Defendants shall file and serve their responses to Plaintiffs'  
8 *Daubert* Motions related to Till and the Risk Assessment Corporation no  
9 later than **January 21, 2005**.

10          6. Defendants shall file and serve their replies on Defendants'  
11 *Daubert* Motions no later than **nine days before the hearing** is set.

12          7. Plaintiffs shall file and serve their replies to the Plaintiffs'  
13 *Daubert* Motions Re: Schneider and Anderson no later than **January 28,**  
14 **2005**.

15          8. Plaintiffs shall file and serve their replies on Plaintiffs'  
16 *Daubert* Motions Re: John Till and the Risk Assessment Corporation no  
17 later than **February 4, 2005**.

18          9. The Thirteenth Status Conference previously set for February 18,  
19 2005 is **STRICKEN**. The Thirteenth Status Conference shall be set to  
20 follow the *Daubert* hearings currently set for **February 15, 2005, at 8:00**  
21 **a.m., in Spokane, Washington**.

22          10. The Defendants' and Plaintiffs' *Daubert* Motions shall be set for  
23 hearing as follows:

GROUP	PARTY OFFERING	EXPERT	CT. REC. NO.	HEARING DATE & TIME
GROUP I	Plaintiffs	James Rutenber	1548-9	Tuesday, January 25, 2005 at 8:00 a.m. (1 day estimate)

GROUP	PARTY OFFERING	EXPERT	CT. REC. NO.	HEARING DATE & TIME
<b>GROUP I</b>	PLAINTIFFS	TERRY DAVIES	1548-2	
<b>GROUP II</b>	Plaintiffs	Robert Jervis	1569-1	Tuesday, February 1, 2005 8:00 a.m. (2 day estimate) (possible live testimony)
	Plaintiffs	Douglas Stewart	1569-3	
	Plaintiffs	Douglas Crawford-Brown	1569-4	
	Plaintiffs	Robert Goble	1548-10	
<b>GROUP III</b>	Plaintiffs	Leslie DeGroot	1548-1	Tuesday, February 8, 2005 at 8:00 a.m. (1½ days estimate)
	Defendants	Arthur Schneider	1612	
	Plaintiffs	Sara Peters	1548-5	
	Defendants	Tom Anderson	1664	
	Plaintiffs	Anthony Choppa	1548-13	
<b>GROUP IV</b>	Plaintiffs	Inder Chopra	1548-3	Tuesday, February 15, 2005 at 8:00 a.m. (2-3 days estimate) (possible live testimony)
	Plaintiffs	Owen Hoffman	1548-4	
	Plaintiffs	Raymond Carroll	1548-8	
	Plaintiffs	Sander Greenland	1548-7	
	Plaintiffs	Duncan Thomas	1548-6	
	Plaintiffs	James Rutenber	1548-9	
	Defendants	John Till	1632	
	Defendants	Risk Assessment Corp.	1636	

11. The Court will mail a copy of the jury questionnaire used in this district to Lead Counsel.

12. The following Plaintiffs' Motion to File Overlength Briefs, **Ct. Recs. 1628, 1633, 1638, 1642 and 1646**, are **GRANTED**.

The parties are reminded that leave to file an overlength brief must be granted prior to the filing of the brief. See Case Management Order No. 1: May 29-30, 2003, filed June 3, 2003, ¶ 13(e). In addition, two Court copies of substantive motions shall be provided with

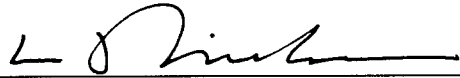
1 a single set of exhibits or attachments which **MUST BE BOUND AND**  
2 **TABBED.**

3 13. Plaintiffs' counsel are reminded that the deadline to submit in  
4 camera attorney fee and expense reports is **January 3, 2005.**

5 14. An updated calendar of deadlines and hearings is attached to this  
6 Order.

7 The District Court Executive is directed to file this Order and  
8 provide copies to Liaison Counsel, Mediator Gary Bloom, and the three pro  
9 se Plaintiffs.

10 **DATED** this 23 day of December, 2004.

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12 \_\_\_\_\_  
13 WM. FREMMING NIELSEN  
14 SENIOR UNITED STATES DISTRICT JUDGE

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*In Re: Hanford Nuclear Reservation Litigation, CV-91-3015-WFN*

**DECEMBER 2004**

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
		1	2	3
6	7	8	9	10
13	14 8:00 a.m. <u>ELEVENTH STATUS CONFERENCE</u>	15 > <u>File Pl. Response to Def. Burden of Proof</u> > <u>Pl. Disclose Pl. Rebuttal Expert Reports</u>	16	17 > <u>File Pl. Daubert Motions</u>
20 <u>File Pl. Response to Def. Daubert Motions</u>	21	22 2:00 p.m. <u>TELEPHONIC CONFERENCE</u>	23	24
27	28 > <u>File Pl. supp. briefing on Jones, Wallace, Sadler</u>	29	30 <u>Def. File Reply on Burden of Proof</u>	31

JANUARY 2005				
MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
3 Pl. Counsel <u>Submit</u> In Camera Attorney Fee & Expense Reports	4	5	6	7 <u>File</u> Def. response re: Jones, Wallace, Sadler
<u>File</u> Def. challenges to new Berg, Evenson Pls.				
10 Pl. <u>provide</u> Def. with Tent. Trial Exhibit List	11	12 8:00 a.m. <u>HEARING ON BURDEN OF PROOF TWELFTH STATUS CONFERENCE</u> (to follow hearing) <u>File</u> Proposed Jury Quest.	13	14 <u>File</u> a) Pl. reply re: Jones Wallace, Sadler b) Def. Motion for Recon. - Abnormally Dangerous c) Def. responses to Pl. Daubert Motions - Schneider & Anderson
17 HOLIDAY	18	19	20	21 Def. <u>File</u> Responses to Pl. Daubert Motions - Till & RAC
24 Def. <u>provide</u> Pl. with Tent. Trial Exhibit List	25 8:00 a.m. <u>HEARING ON DAUBERT MOTIONS- Group I</u> Ruttenber Davies	26	27	28 Pl. <u>file</u> Replies to Pl. Daubert Motions - Schneider & Anderson
31				

**FEBRUARY 2005**

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
	1 8:00 a.m. HEARING ON <u>DAUBERT MOTIONS-</u> Group II Jervis Stewart Crawford-Brown Goble	2 8:00 a.m. HEARING ON <u>DAUBERT MOTIONS-</u> Group II	3	4 Pl. <u>File</u> Replies on Pl. Daubert Motions - Till & RAC
7	8 8:00 a.m. HEARING ON <u>DAUBERT MOTIONS-</u> Group III DeGroot Schneider Peters Anderson Choppa	9 8:00 a.m. HEARING ON <u>DAUBERT MOTIONS-</u> Group III	10	11 Pl <u>file</u> response on Def. Motion for Recon. Abnormally Dangerous
14	15 8:00 a.m. HEARING ON <u>DAUBERT MOTIONS-</u> Group IV Chopra Hoffman Carroll Greenland Thomas Ruttenber Till RAC	16 8:00 a.m. HEARING ON <u>DAUBERT MOTIONS-</u> Group IV	17 8:00 a.m. HEARING ON <u>DAUBERT MOTIONS-</u> Group IV THIRTEENTH STATUS CONFERENCE (to follow motion hearing)	18
21 HOLIDAY DATES TENTATIVE FROM HERE UNLESS MARKED <u>Exchange</u> Final Exhibit List	22	23	24	25
28 > <u>File</u> a) Trial Materials b) objections to trial exhibits > <u>Exchange</u> a) Tentative Witness Lists b) Testimony by Deposition				

**MARCH 2005**

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
	1	2	3	4 Def. file reply on Motion for Recon. Abnormally Dangerous (FIRM DATE)
7 > File Responses to a) Trial Briefs b) Motions in Limine c) objections to deposition testimony d) objections to trial exhibits	8	9	10	11
14 > File Proposed Pretrial Order	15	16	17	18
21	22 8:00 a.m. > FINAL PRETRIAL CONFERENCE & HEARING ON MOTIONS & OBJECTIONS > COURTROOM TECHNOLOGY TRAINING FOR COUNSEL	23	24	25
28	29	30	31	

In Re: Hanford Nuclear Reservation Litigation, CV-91-3015-WFN

**APRIL 2005**

	<b>MONDAY</b>	<b>TUESDAY</b>	<b>WEDNESDAY</b>	<b>THURSDAY</b>	<b>FRIDAY</b>
					1
4 > Provide to Court and Counsel a) Final Witness List b) Marked Exhibits; List on Court Form	5	6	7	8	
11 Trial Week 1	12	13	14	15	
18 Trial Week 2 (also discussed as tentative trial date)	19	20	21	22	
25 Trial Week 3	26	27	28	29	

*In Re: Hanford Nuclear Reservation Litigation, CV-91-3015-WFN*

<b>MAY 2005</b>					
<b>MONDAY</b>	<b>TUESDAY</b>	<b>WEDNESDAY</b>	<b>THURSDAY</b>	<b>FRIDAY</b>	
2 Trial Week 4	3	4	5	6	
9 Trial Week 5	10	11	12	13	
16 Trial Week 6	17	18	19	20	
23 Jury Deliberation	24	25	26	27	
30	31				