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Berg/Lumpkin Plaintiffs Newsletter

Published periodically by the law firms of Short Cressman & Burgess PLLC, Engstrom Lipscomb & Lake, Girardi and Keese, Robinson Calagnie & 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.

Hanford Bellwether Trial Set to Begin April 25

The Hanford bellwether trial is scheduled to start April 25th in Spokane. It is expected to last four weeks. The trial will be open to the public. All *Berg* and *Lumpkin* plaintiffs are encouraged to attend as much of the trial proceedings as they can. Your presence will be a big help to all of the plaintiffs.

The plaintiffs will present their case first, followed by the defendants. There will be a jury of 12 selected at the beginning of the trial.

During each week of the trial, the Court will be in session Monday through Friday. The hours vary depending on which day:

- Monday through Thursday, from 8:30 a.m. to noon and 1:30 until 4:30 p.m. There will be one fifteen minute recess in the morning and one in the afternoon.
- Friday - 8:00 a.m. until 2:00 p.m., with two twenty minute recesses.

The trial will take place in Judge Nielsen's courtroom which is located on the Ninth floor of the Federal Building in downtown Spokane. There are approximately 70 seats for the public. It is not possible to reserve a seat.

Pre-Trial Conference – April 13-14

There will be one final conference before the trial. The conference will include decisions on motions to exclude testimony at trial and rulings on objections to trial exhibits. It will begin at 8:00 a.m. on Wednesday, April 13. Because the number of motions is uncertain, here is a possibility the conference could continue over into Thursday, April 14.

All Experts Allowed to Testify at Trial

All of the plaintiffs' experts will be allowed to testify at the trial. The

defendants had filed motions against nearly all of plaintiffs' scientific and medical experts. During a series of hearings over the last four weeks, Judge Nielsen has denied all of the defendants' motions in whole or in part.

While some of the experts will be limited as to the scope of their testimony, all of them will be able to appear before the jury during trial.

Attorneys for the plaintiffs also filed several motions against certain defense witnesses. Judge Nielsen imposed limits on a few, but will let all of them testify at trial.

Last Newsletter Until After Trial

Due to the effort required during trial, we will not be able to send another client newsletter until after the trial. We will try to update the home page of the *Berg/Lumpkin* plaintiffs' website

(www.downwinders.com) during the trial, but we are unable to promise this.

Defense Lawyers Helped Plan Hanford Dose Study

An article in the February 13, 2005, issue of the *Spokesman-Review* revealed that defense lawyers had been involved in secret meetings about the design of the Hanford Environmental Dose Reconstruction study (HEDR). At this time, it is uncertain how this new information will impact the ongoing evaluation of the Hanford Thyroid Disease Study (HTDS), which relied on HEDR for the dose information.

Please Remember – Help Us if You Move

Please be sure 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: David Breskin or Jim Thomas*
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