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May 25, 2005

## **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.*

### **Jury Awards Half a Million to Two Plaintiffs**

After deliberating more than three days, a 12-member jury returned verdicts for two of the six bellwether plaintiffs in the first Hanford downwinder trial. Gloria Wise was awarded \$317,251 and Steve Stanton \$227,508 for their thyroid cancers. The jury failed to reach a verdict for the third thyroid cancer plaintiff, Shannon Rhodes. Judge Nielsen declared a mistrial in her case and the plaintiffs' attorneys will ask the judge to set a new trial date, hopefully as early as September.

Each of them were born in the 1940s. Ms. Wise grew up in Pasco, Mr. Stanton in Walla Walla, and Ms. Rhodes in Colfax and on a nearby farm.

The jury returned defense verdicts for the three plaintiffs with hypothyroidism.

Both sides are still assessing the impact of the verdict and it may take

several weeks and perhaps months before we will have a clear picture of the future of the Hanford litigation.

### **Testimony at Bellwether Trial Produces Surprises**

The trial lasted three weeks. The presentation of the plaintiffs' case took about two weeks. One of the more memorable exchanges on the stand occurred when the defendants' were cross-examining Ken Rhodes, the husband of Shannon Rhodes, one the three bellwethers with thyroid cancer. Shannon's thyroid cancer has metastasized to her right lung. The defense lawyer was asking Ken about how it was living with his wife having cancer, when Ken stopped him and said:

Ken: I don't think that having a cancerous growth in your lungs is good news at any time for anybody. To try to make it sound that way is very despicable.

Defense: I'm sorry, sir. I'm not trying to make it sound -- I'm not trying to minimize your wife's condition.

Ken: I think that you are. You should turn around and apologize to her.

Another dramatic moment occurred during the middle of the third week. After calling only two expert witnesses, the defendants rested their case instead of calling their only medical expert, Dr. Arthur Schneider, an endocrinologist who served on the Advisory Committee for the Hanford Thyroid Disease Study (HTDS).

## How Bellwether Trial Affects Other Plaintiffs

While there is nothing in the resolution of the bellwether plaintiff trial that is legally binding on the claims of the other *Hanford, Berg* and *Lumpkin* plaintiffs, the trial may serve as a basis for settling the other claims. However, it

will probably take a number of months, or longer, before we will know what the future holds for our other downwinder clients. We will try to clarify matters as soon as possible and let you know.

## Paralegal Takes Sabbatical

Jim Thomas, paralegal for the *Berg/Lumpkin* plaintiffs since 1997, will be taking most of the summer off as a sabbatical. Jim has worked on Hanford issues since 1984 – so we think he certainly deserves a break. Another paralegal, Margaret Moynan, will be responding to your inquiries during Jim's absence.

## 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, Jim Thomas or Margaret Moynan*  
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