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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.

Cases Return to U.S. District Court

After the Ninth Circuit Court of Appeals made its decision last year, the cases returned to the U.S. District Court in Spokane. On April 21, 2009 Judge Nielsen held a Status Conference in Spokane. The Court directed the parties to group all of the plaintiffs, using various factors, such as disease, age, sex, and radiation dose estimate. Each plaintiff will be assigned to one of these groups. This process is intended to facilitate resolution of the claims of the plaintiffs in each of these groups. Some groups may be the subject of settlement discussions and others may be the focus of further litigation, including trials.

There has been sharp disagreement about the merits of certain groups of claims. Defendants have indicated that they intend to make settlement offers to some plaintiffs with diagnoses of thyroid cancer or hypothyroidism who received doses of Iodine 131 exceeding certain thresholds. They have signaled their intention to litigate claims in other low dose groups. There is ongoing dispute regarding the proper statistical model for calculation of doses. Each group of plaintiffs has its own model. Some are similar to the defendants' model (known as HEDR) and others generate higher doses than HEDR. One of the groups, the Evenson plaintiffs, is now moving to challenge a component of the HEDR model and the results it yields. That motion will be heard in July and decision is expected later in the summer.

The Court did not establish any trial dates for retrial of the cases reversed by the Ninth Circuit or any of the remaining cases. As the current grouping is completed and the HEDR motion is decided, the parties expect that the Court will decide how the case should proceed.

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
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 - *Engstrom, Lipscomb & Lack: Brian Depew
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- *Johnson Law Group: Todd or Scott Johnson – 1-888-254-1997*

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