

January 4, 2012

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.*

The mediation tracks established by the Court have ended. Within our client group, some settlements have occurred, but most claims have not been resolved. In recent months, there has been settlement activity in some of the other plaintiff groups. Most of the hypothyroidism cases in those groups have been settled and the trial of hypothyroidism cases previously set in 2012 (Track 1) has been stricken. Like our group, some of the thyroid cancer claims in the other groups have settled, but most remain in the case.

The Court has now established two new trial tracks, one for a group of thyroid cancer claims and another for a group of thyroid nodules claims. The Court has randomly selected 23 plaintiffs from the *Everson* group and 14 from our *Berg/Lumpkin* group to participate in the thyroid cancer trial (Track 2). The Court has modified the thyroid nodule trial track (Trial Track 3) to delete plaintiffs from our *Berg/Lumpkin* and the *Jaros* groups and substitute 28 clients from the *Everson* (25) and *Berg* (3) groups. In addition, the Court is in the process of setting a fourth trial track that will consist of 50 randomly selected plaintiffs from all non-thyroid categories. Trial Track 2 (thyroid cancer) and Trial Track 3 (thyroid nodule) will reach trial in early 2013. The Trial Track 4 (non-thyroid cancer) will lag those by two months.

The attorneys from the Engstrom Lipscomb & Lack law firm have contacted all *Berg/Lumpkin* clients selected by the judge to participate in the thyroid cancer trials, and are working with them to collect updated medical records and to update each plaintiff's discovery responses. Depositions of the *Berg/Lumpkin* plaintiffs are now being set in January and February. Expert reports for these clients will be due on July 1, 2012. Pre-trial discovery will be complete on November 1, 2012 and any motions to dismiss these claims must be filed by December 15, 2012. The trial date for these cases has not been set, but a date in mid-2013 is expected.

The next Status Conference will be held on January 31, 2012, at 8:30 a.m. PDT, 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*

Please visit our website, located at <http://www.downwinders.com>. If you do not have access to the Internet, check with your local library. Many libraries offer free Internet access to the public.