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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: FINAL PRETRIAL
CONFERENCE AND HEARING
ON MOTIONS: APRIL 13-14, 2005
(RE: OBJECTIONS TO EXHIBITS)

This Order Relates to: All Cases

A final pretrial conference was held April 13 - 14, 2005, in Spokane, Washington. Counsel present at the hearing and a list of the party represented is set out in the Court's Order Re: Motions in Limine; Trial Procedures, and will not be repeated here.

This Order is entered to memorialize and supplement the oral rulings of the Court regarding objections to exhibits and testimony by deposition. Accordingly,

IT IS ORDERED that:

RULINGS ON EXHIBITS

The parties filed their objections to individual proposed trial exhibits. Defendants' Objections, filed March 25, 2005, **Ct. Rec. 1835**; Plaintiffs' Objections, filed March 25, 2005, **Ct. Rec. 1834**. The Court ruled on the objections by categories of exhibits as set forth in Plaintiffs' filing of April 7, 2005, **Ct. Rec. 1861**, as follows:

1 **1. Plaintiffs' Exhibits.**

Category	Court's Ruling
I. Materials Supporting Exposure Calculations; Expert Reliance Materials	The Court SUSTAINED Defendants' objection to Plaintiffs' exhibits Category I. The exhibits should be
I. (cont.) Tabs 2, 4-8, 24-25, 31, 39-41, and 45	numbered and placed on the exhibit list. The exhibits are EXCLUDED , subject to admission at trial if they become relevant.
II. Historical News Reports and Press Materials (Pre-1985)	All exhibits in Category II have been WITHDRAWN by the Plaintiffs.
III. Post-1985 Press Reports Tab 32	The Court SUSTAINED Defendants' objection to Plaintiffs' single exhibit in Category III. The exhibit should be numbered and placed on the exhibit list. The exhibit is EXCLUDED , subject to admission at trial if it becomes relevant.
IV. Thyroid-Related Bellwether Records Tabs 47, 48, 51, 55, and 57	The Court SUSTAINED Defendants' objection to Plaintiffs' single exhibit in Category IV. The exhibits should be numbered and placed on the exhibit list. The exhibits are EXCLUDED , subject to admission at trial if they become relevant
Tab 48	The Court DENIED the Defendants' request to redact the exhibit.
V. Other Bellwether-Related Records Tabs 49, 50, 52-54, and 56	The Court OVERRULED the Defendants' objection to the Plaintiffs' Exhibits in Category V with a caveat. Provided the picture is identified by a witness, it is admissible only if it was taken during the timeframe when the Plaintiff was allegedly exposed to Hanford radiation emissions.
VI. Documents Related to HEDR Study Tabs 1, 9-23, and 26	The Court SUSTAINED Defendants' objection to Plaintiffs' exhibits Category VI. The exhibits should be numbered and placed on the exhibit list. The exhibits are EXCLUDED , subject to admission at trial if they become relevant.

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<p>VII. Documents Related to HTDS Tabs 28, 34-35, 37-38, and 43</p>	<p>The Court SUSTAINED Defendants' objection to Plaintiffs' exhibits Category VII. The exhibits should be numbered and placed on the exhibit list. The exhibits are EXCLUDED, subject to admission at trial if they become relevant.</p>
<p>VIII. Miscellaneous</p>	
<p>Tab 3, Biological Effects of I-131, Chronically Administered to Sheep, p. 56 and Tab 33, Decision Memorandum to Administrator Re: Recommendation for Medical Monitoring at Hanford . . .</p>	<p>The Court SUSTAINED the Defendants' objection to Plaintiffs' exhibits, Tab 3 and Tab 33, as noted. These exhibits shall be EXCLUDED from admission at trial.</p>
<p>Tab 27, Atmospheric Pathway Dosimetry Report, 1944-1992; Tab 29, Memo Re: Assessment of Radioactive Dose Estimates Made by HEDR Project; Tab 30, A Review of Two HEDR Dosimetry Reports: Columbia River and Atmospheric Pathway; Tab 36, Letter from Miller (CDC) to Shawn-Tulloch (Idaho); and Tab 42, Get the Facts About Exposure to I-131 Radiation</p>	<p>The Court SUSTAINED Defendants' objection to Plaintiffs' exhibits as noted. The exhibits should be numbered and placed on the exhibit list. The exhibits are EXCLUDED, subject to admission at trial if they become relevant.</p>
<p>Tab 44, Letter to Karen Southam Enclosing Final Determination Re: Application for Assistance</p>	<p>This exhibit has been WITHDRAWN by the Plaintiffs.</p>

2. **Defendants' Exhibits.**

Category	Court's Ruling
I. Medical Records Unrelated to Thyroid Conditions Tabs 1-118	The Court SUSTAINED Plaintiffs' objections to Defendants' exhibits Category I. The exhibits should be numbered and placed on the exhibit list. The exhibits are EXCLUDED , subject to admission at trial if they become relevant. (All exhibits related to Plaintiff Walker are WITHDRAWN by Defendants .)
II. Federal Income Tax Returns; Disability Application; Social Security Statement Tabs 119-123	The Court SUSTAINED Plaintiffs' objections to Defendants' exhibits Category II. The exhibits should be numbered and placed on the exhibit list. The exhibits are EXCLUDED , subject to admission at trial if they become relevant.
III. Insurance, Medicare and Social Security Payments Tabs 124-133	The Court SUSTAINED Plaintiffs' objections to Defendants' exhibits Category III. The exhibits should be numbered and placed on the exhibit list. The exhibits are EXCLUDED , subject to admission at trial if they become relevant.
IV. Family Histories/Family Trees Tabs 134-138	The Court SUSTAINED Plaintiffs' objections to Defendants' exhibits Category IV. The exhibits should be numbered and placed on the exhibit list. The exhibits are EXCLUDED , subject to admission at trial if they become relevant.

3. **Exhibit Numbers.** The Court's Order filed February 22, 2005, **Ct. Rec. 1757**, set forth exhibit numbers for the parties' exhibits. That Order is **AMENDED** as follows:

(a) Paragraph 11(d): Plaintiffs' demonstrative exhibits shall be numbered from 1500 through 2499; and

(b) Paragraph 11(e): Defendants' demonstrative exhibits shall be numbered from 2500, *et seq.*

1 4. **Final Witness List and Exhibit List.** The parties are to provide to the Court and
2 counsel the following on **Monday, April 18, 2005:**

3 (a) A Final Witness List and a Final Exhibit List on the Court form that has been
4 provided to counsel. The request for marked exhibits to be provided to the Court on April 18,
5 2005 is **STRICKEN**.

6 (b) The expert reliance documents should also be listed on the Final Exhibit List,
7 Court form in a separate section.

8 (c) The Court does not require a hard copy of exhibits for the bench during trial.
9 The Court has retained the notebooks containing the disputed exhibits organized by tabs.
10 Each party should provide the Court with a cross-reference from the assigned exhibit number
11 to the tab number in the notebooks of disputed exhibits.

12 **RULING ON DEPOSITION TESTIMONY**

13 5. **Plaintiffs' Deposition Testimony Designation.** The Court **SUSTAINS** Defen-
14 dants' objection to the Plaintiffs' deposition designation on Scott Davies, pages 150, line 17,
15 through page 151, line 11, for the reasons stated at the hearing. Defendants' counter-
16 designation, p. 151, lines 12-24, are **WITHDRAWN**.

17 The District Court Executive is directed to file this Order and provide copies to Liaison
18 Counsel; Mediator Gary Bloom; **AND TO** pro se Plaintiffs Noreen L. Wynne, Carmela M.
19 Destito-Buttice (for late John P. Destito, Jr.), Marylin F. Mlnarik, and Kerry L. Todd.

20 **DATED** this 18th day of April, 2005.

21
22 s/ Wm. Fremming Nielsen
WM. FREMMING NIELSEN
23 SENIOR UNITED STATES DISTRICT JUDGE

24 04-1305C