

Source: Ashcraft & Gerel LLP

### **Court Allows Expert Testimony in Litigation Alleging Cell Phone-Linked Tumors, According to Consumers' Legal Team**

WASHINGTON, D.C., August 8, 2014 /PRNewswire/ -- A Washington, D.C. superior court ruled that five scientific expert witnesses can testify for consumers suffering from brain tumors allegedly caused or promoted by cell phone use, [Ashcraft & Gerel LLP](#), [Morganroth and Morganroth, PLLC](#), [Lundy, Lundy, Soileau & South, L.L.P.](#) and co-counsel said today.

Judge Frederick H. Weisberg, who is presiding over 13 consolidated lawsuits against the telecom industry, ruled that experts met the *Dyas/Frye* legal standards and can offer testimony related to injury causation and health effects. The court held evidentiary hearings in December 2013 and January 2014 and reviewed hundreds of exhibits.

Judge Weisberg noted that, while the court did not decide the issue of whether cell phones cause brain tumors, new scientific studies and information have emerged recently. His order referred to a May 2014 French case-control epidemiological study that found support for “a possible association between heavy mobile phone use” and brain tumors.

Each of the plaintiffs in the litigation suffers from a brain tumor or is suing for a family of someone who died of brain cancer.

The plaintiffs are represented by Morganroth and Morganroth, PLLC, of Birmingham, Mich.; Ashcraft & Gerel LLP, of Washington, D.C., and Lundy, Lundy, Soileau & South, LLP, of Lake Charles, La.; [The Knoll Law Firm, LLC](#), of Marksville, La.; [Pribanic & Pribanic, LLC](#), of Pittsburgh; [Frasier, Frasier & Hickman, LLP](#), of Tulsa, Okla.; and [Bernstein Liebhard, LLP](#), of New York.

Hunter Lundy, of Lundy, Lundy, Soileau & South, LLP, said, “The telecom industry argued for years that cell phone consumer litigants could not produce scientists who could relate exposure to cell phone radiation to tumors. The ruling today refutes that contention and our experts’ opinions, having met the *Dyas/Frye* test, are admissible.”

Jeffrey B. Morganroth, of Morganroth and Morganroth PLLC, said, “We now have opinions and testimony from prominent scientific experts that will be admissible and support our clients’ claims that cell phone radiation can cause brain tumors in humans. With this landmark ruling, the cases are moving forward to fact discovery.”

Michelle Parfitt and James F. Green, of Ashcraft & Gerel LLP, said, “The evidence presented at the evidentiary hearings months ago only included publicly available materials and did not include any testing data or information in possession of the defendants. We will seek that information as soon as possible.”

The first of the consolidated cases is “Michael Patrick Murray, et al., v. Motorola, Inc., et al.,” Case No. 2001 CA 008479 B in the Superior Court for the District of Columbia. The defendants

in the cases are Motorola, Inc., Qualcomm, Inc., Nokia, Inc., Audiovox Communications Corp., and Samsung Telecomm American, LLC.

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