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**News****Berger & Montague Wins Jury Verdict of \$554 Million in Rocky Flats Case****2/15/06**

On February 14, 2006, Berger & Montague won a jury verdict of \$554 million on behalf of thousands of property owners against the former operators of the Rocky Flats nuclear weapons plant, located about 17 miles northeast of Denver, Colorado. The verdict against the contractors, Dow Chemical Company and Rockwell International Corporation, is the largest verdict in Colorado history, one of the largest in history, and the first time a jury has awarded damages to property owners living near one of the nation's nuclear weapons sites. It includes an award of \$200 million in punitive damages.

The trial team was led by Berger & Montague shareholders Merrill G. Davidoff, Peter Nordberg, and David F. Sorensen; associates Ellen Noteware and Jenna MacNaughton-Wong; and paralegals Karen Markert, Beth Burghaze, and Anne Ebbesen. The case was tried over four months, beginning Oct. 6, 2005, in federal court in Denver. The jury deliberated for 17 days before returning its verdict in favor of the plaintiffs.

Berger & Montague filed the case in 1990, and it has resulted in 10 published court opinions, including one in 1995, in which the district court held the United States Department of Energy in contempt after a four-day bench trial for refusing to comply with numerous discovery requests and a stipulated discovery order.

The suit alleged that defendants negligently and recklessly caused plutonium to be released off-site from the plant onto class properties, damaging property values and putting residents at increased risk of developing cancer. The jury found for plaintiffs on their claims of trespass and nuisance.

For more information regarding this case and the verdict, contact Merrill G. Davidoff (mdavidoff@bm.net), Peter Nordberg (pnordberg@bm.net), or David F. Sorensen (dsorensen@bm.net).

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