Judge Dismisses All But 1 Mallinckrodt Suit

ST. LOUIS (AP) — Only one of the eight lawsuits filed against Mallinckrodt chemical company by people who believe they got cancer from living near radioactive contamination in north St. Louis County will move forward.

The St. Louis Post-Dispatch [1] reports that U.S. District Judge Audrey Fleissig on Wednesday dismissed claims of negligence, emotional distress and liability.

The only case not dismissed involves injuries caused by exposure to nuclear materials. For that one, Fleissig said attorneys and residents have until May 10 to show the injuries occurred within the statute of limitations — five years.

Last week, the Missouri Department of Health and Senior Services released results of a study that found no cancer cluster. But many say the study was flawed because it looked at current residents, not those who lived there before remediation began in the 1970s.

Most of those who are sick believe their illnesses are from living near and playing in Coldwater Creek in the 1960s and 1970s.

St. Louis attorney Stephen Jeffery, who represents DJR Holdings and the Jarboe company, the current owners of the contaminated land, sympathized with the residents' health problems but was pleased by the ruling.

"My clients don't feel like they have really done anything to cause any harm to the plaintiffs," Jeffery said. "They've never had anything to do with the contamination and participated with the federal government in trying to get it cleaned up."

Attorneys for residents did not respond to requests for comment. Attorneys for Mallinckrdt, now known as Covidien, also did not respond to messages seeking comment.

Mallinckrodt produced material for atomic bombs during the Cold War era. Radioactive byproducts were dumped at an open storage site near Lambert Airport and buried near Coldwater Creek.

The Army Corps of Engineers has nearly completed its cleanup of the airport waste sites and the creek.

Former Mallinckrodt workers have been awarded compensation if they developed one of 22 cancers — they are eligible for payment of medical expenses plus $150,000. Residents' lawsuits seek similar compensation.

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Information from: St. Louis Post-Dispatch, http://www.stltoday.com [2]

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