

High-Profile Criminal Lawyer Takes on Wireless Industry

Criminal defense attorney Mayer Morganroth of Morganroth & Morganroth in Detroit is taking on most of the leading players in the wireless industry. On November 15, Morganroth filed a \$1.5 billion lawsuit on behalf of Michael Murray, a 34-year-old Motorola technician with a brain tumor.

Many more cases are planned. "We will file ten more lawsuits by the end of February," said Sheldon Miller of Lopatin, Miller in Detroit, who is working with Morganroth. These could later be consolidated into a class action, according to Jeffrey Morganroth, Mayer's son.

A flurry of personal injury suits was also predicted last year by Joanne Suder of Baltimore, another member of Murray's legal team, when she filed an \$800 million lawsuit on behalf of Dr. Christopher Newman (see *MWN*, S/O00). But this was the only mobile phone case her firm initiated. The Newman case is now being handled by Peter Angelos in Baltimore (see p.8). Angelos has no connection to the Murray lawsuit.

In addition to Motorola, Qualcomm and the Cellular Telecommunications and Internet Association (CTIA), the complaint cites the American National Standards Institute (ANSI) and the Institute of Electrical and Electronics Engineers (IEEE) as defendants.

ANSI tailored its RF/MW guidelines to ensure that mobile phones "would be excluded from any testing, compliance or monitoring," according to Murray's complaint, which was filed in Washington, DC. ANSI has recognized the IEEE guidelines as national standards.

Jeffrey Morganroth told *Microwave News* that his firm may file what he called a "public interest" suit against the federal health agencies, including the EPA, FCC and FDA. The objective, he said, would be to force the government to regulate the health risks posed by the wireless industry.

Mayer Morganroth is confident that he can show a link between phone radiation and brain tumors. He told the *Financial Times* (November 14) that, "The experts that are knowledgeable, who have really done the investigations and are independent, are of the solid and firm conviction that cell phones cause brain cancer." In an interview with *Microwave News*, Jeffrey Morganroth said that, "among researchers with no ties to the industry, there is a consensus that mobile phone radiation is harmful."

The wireless industry is unimpressed. "We don't feel the Murray case has introduced any new issues," said Motorola's Norm Sandler. And Tom Watson of Watson & Renner in Washington, who represents the Cingular Wireless group, asserted that, "There is no reliable scientific basis for the plaintiff's position."

Although Mayer Morganroth—working with Miller—won a \$19 million verdict in a copyright infringement lawsuit against 20th Century Fox last March, he is best known for his work in criminal cases. He has defended Dr. Jack Kevorkian against charges of assisted suicide, political extremist Lyndon LaRouche against charges of tax evasion and car-maker John DeLorean against charges of drug-trafficking.

According to the complaint, Murray has been permanently disabled by the malignant glioma, which was surgically removed

Million-Dollar Payday for Lawyers in Invasion of Privacy Suit

A Chicago judge has approved close to \$1.5 million in fees and expenses to lawyers who brought an invasion of privacy suit on behalf of millions of cell phone users. The class action suit, *Busse v. Motorola*, filed in 1996, alleges that an epidemiological study sponsored by Wireless Technology Research (WTR) collected personal information without the users' consent (see *MWN*, J/F96, M/J97 and M/A99).

WTR's insurance company is paying \$1.4 million to walk away from the case—the remains of a \$2 million policy. The judge granted Dr. George Carlo, WTR's chair, \$250,000 to set up a voluntary registry of health complaints from cell phone users. Carlo also receives \$150,000 to cover any future litigation costs. Most of the balance will go to Ben Barnow and Alan Goldberg of Barnow & Goldberg and to William Harte, all of whom practice in Chicago. They will still be owed \$500,000 after the insurance money is paid out.

The partial settlement, signed by Judge Stephen Schiller on November 26, covers only the actions of WTR and Carlo. The other defendants, including Motorola, the CTIA and Epidemiology Resources, which ran the study, had contested the settlement proposal and are waiting for the court to rule on their motion to dismiss the case (see *MWN*, J/A01). Norm Sandler of Motorola called the arrangement between Carlo and the *Busse* lawyers an "outrageous, creative way to divide up the insurance money."

Carlo said that he will use the \$250,000 to start the registry and will then seek matching funds from other sources to keep it going. It will be run by the Safe Wireless Initiative, part of his Science and Public Policy Institute.

At the last moment, two epidemiologists tried to derail the settlement. On October 16, Dr. Joshua Muscat of the American Health Foundation in Valhalla, NY, and Dr. Faith Davis of the University of Illinois, Chicago, petitioned Judge Schiller to reject Carlo's voluntary registry. Muscat said that it would have "no scientific value" and Davis called it "fundamentally flawed." Davis was until last year the research director of the U.S. Central Brain Tumor Registry.

But a month later, Muscat and Davis withdrew their petitions. Muscat was hazy as to why he had changed his mind, saying only that he did so after reading Carlo's description of the registry. Nevertheless, he maintained that "I cannot see how it can possibly work as an early warning system."

in November 1999. He bought a Motorola StarTac phone in 1993 and a Qualcomm phone in 1996. Murray, who lives in Chicago, also tested wireless phones in his job at Motorola. The fact that Murray works for Motorola is not cited in the complaint. He filed for workers' compensation last year. This claim is still pending.

The complaint also charges that the wireless industry made false claims regarding the safety of phones, conspired to "conceal and suppress" information on possible risks and manipulated RF health research. "Researchers who discovered adverse effects," the complaint states, "lost their funding, were fired, found their reputation damaged and had their work denigrated."