

Rockwell International Corporation and Dow Chemical Company ordered to pay \$925 million for plutonium contamination of surrounding neighborhoods from their operations of the former Rocky Flats Nuclear Weapons Plant and for trying to cover up their misdeeds.

By: Jon Lipsky

On June 2, 2008, US District Court Senior Judge John L. Kane, District of Colorado, rendered a Final Judgment in the class action lawsuit brought by about 13,000 landowners surrounding the former Rocky Flats Nuclear Weapons Plant. The landowner plaintiffs in *Merilyn Cook, et al, vs. Rockwell International Corporation and Dow Chemical Company* claimed that decades of environmental contamination by the two companies had contaminated their property and/or given such a bad name to the area that their property values had been diminished.

The litigation was initiated seven months after the FBI and EPA raided Rocky Flats, which produced plutonium triggers for nuclear bombs. On June 6, 1989 the FBI and EPA executed a search warrant at Rocky Flats based on evidence of environmental crimes committed when Rockwell was the contractor at the weapons plant, owned by the US Department of Energy. This was the first time the US government had served a search warrant on a US government agency. The raid, the FBI investigation, and the ensuing 3 year Grand Jury investigation resulted in the closure of the plant. In March 1992, Rockwell pled guilty to five felonies and five misdemeanor environmental crimes. The government has since spent \$7 billion trying to clean up Rocky Flats and has turned it into a Wildlife Refuge.

The Cook litigation finally came to trial fifteen years after it was originally filed. Jon Lipsky, of Mission Accomplished Investigations, in California, was the FBI Special Agent who served the search warrant on Rocky Flats and was one of the heads of the FBI investigation. Mr. Lipsky testified in the Cook case as a subject matter expert on the Rocky Flats Nuclear Weapons Plant for the plaintiffs.

After the jury's verdict on February 14, 2006, Judge Kane reviewed an additional 145 documents prior to his entry of the Final Judgment and Order.

The Department of Energy has indemnified Rockwell International, its successor Boeing, and Dow Chemical for all costs, including liability for this judgment. Judge Kane has stayed the execution of his order until Rockwell (Boeing) and Dow file an appeal, which is likely.