



Cell phones: Around a hundred brain tumor victims demand justice from USA

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While a South Korean epidemiological study has recently correlated the incidence of brain tumors and the use of cell phones, numerous plaintiffs, in several regions of the world, including around a hundred in the United States, are demanding that justice recognizes the responsibility of mobile telephony manufacturers in the brain tumors that have affected them or one of their loved ones. If the Turin Court of Appeal rendered a favorable decision to a victim suffering from an acoustic neuroma (benign tumor) in November 2022, a judgment rendered on April 21, 2023 in the United States rejected part of the claims against the smartphone manufacturer Motorola. (Updated 09/6/2023) The

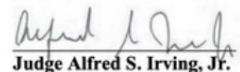
August 2023 in favor of mobile telephony manufacturers. The plaintiffs [filed their appeal](#) on August 22, 2023.

Judge Irving Issues Final Judgment

August 31, 2023

On August 1, Judge Alfred Irving issued a final judgment in favor of all the defendants with respect to all claims made by the plaintiffs in *Murray v Motorola*.

ACCORDINGLY, it is by the Court this 1st day of August 2023, hereby
ORDERED that, pursuant to Super. Ct. Civ. R. 56(f), summary judgment is GRANTED
in favor of Defendants as to all claims in the above-captioned consolidated cases; and it is further
ORDERED that FINAL JUDGMENT is ENTERED in favor of all Defendants as to all
claims asserted by Plaintiffs in the above-captioned consolidated cases.


Judge Alfred S. Irving, Jr.

The American multinational is being sued by the family of **Frank Aaron Walker**, who died of brain cancer at the end of December 2020 after using the brand's phones from 1995. The plaintiffs thus claim that the manufacturer hid information from consumers regarding to the harmfulness of the radiation emitted by its devices, which would otherwise not comply with the specific absorption rate (SAR) standards set by the [Federal Communications Commission \(FCC\)](#).

With each health scandal, justice takes time to react

Louisiana Federal Judge **James D. Cain Jr.**, in his ruling, found that most of the claims filed by **Frank Aaron Walker** 's family were based on "general attacks" on the **FCC** 's certifications and "alleged manipulation." results of tests" carried out by mobile phone manufacturers. He thus definitively rejected the accusations of failure to warn, civil conspiracy and unfair commercial practices.

The judge also indicated that, to succeed on the other claims, the plaintiffs will have to demonstrate how **Motorola** was the origin of a defect, resulting in an emission of waves exceeding the rates set by the **FCC** by a or more of its devices. The Phonegate health scandal is no exception to the rule: as always, justice takes time to recognize the responsibility and failings of manufacturers.

The Critical Importance of Preserving Evidence

The US court also responded to the accusations in these terms:

“According to the complaint, it is unclear how the plaintiffs came to believe that the phones in question exceeded the SAR standard or if they were even in possession of these phones. »

These comments illustrate the capital importance in the preservation of objects and documents that can constitute probative elements in the eyes of justice: old telephones, notices, operator records, etc. For our NGO, the failures of manufacturers, in particular the excesses of the SAR , have been well documented.

Recall that an [investigation](#) in 2019, led by journalist and **Pulitzer Prize winner Sam Roe** and published in the ***Chicago Tribune***, revealed that the results of emissions checks on several mobile phones – checks carried out in a laboratory accredited by the **FCC** and in similar conditions – far exceeded regulatory levels.

This investigation confirms the hundreds of SAR exceedances revealed by our association during SAR test inspections by the National Frequency Agency (ANFR) since 2012.

Expert testimony rejected by a judge

In another recent case, known as **Murray v. Motorola** and concerning thirteen victims, the Superior Court of the District of Washington DC found that [the testimony](#) of certain experts ([Igor Belyaev](#), [Michael Kundi](#), [Abraham Liboff](#), [Wilhelm Mosgöller](#), [Dimitris Panagopoulos](#) and [Laura Plunkett](#)) in favor of the plaintiffs [was not admissible](#) , in the sense that it did not establish a causal link between the disease and the use of mobile phones. At the same time, Judge **Irving** authorized the intervention of two of the industry's experts, [Meir Stampfer](#) and [John Lattera](#). This magistrate, [who initially worked for MCI Telecommunications](#) (which became **Verizon** in 2006), did not however consider it necessary to deport himself.

Ellen Marks, director of the California Brain Tumor association, reacted to this decision:

“ *I greatly appreciate the work of **Dr. Arazi**, other colleagues*

from *Phonagate*, **Sam Roe** and lawyers who are currently suing **Apple** in the United States because their research has proven that many phones sold do not comply with permitted exposure limits. As a plaintiff in **Murray v. Motorola**, I am very disappointed in Judge **Irving** 's decision to reject the testimony of experts chosen by the plaintiffs. His decision reinforces the misconception that cell phones are safe and misleads the public. Many cancers take decades to develop

develop, which could be a public health disaster.

The telecoms industry uses the historical techniques of the tobacco industry, but it is much worse. I don't want other families to suffer like mine and so many others. »

Recourses likely to multiply In the United States as

in Europe and Canada, legal actions are increasing against mobile telephony manufacturers. The American Supreme Court must also soon rule on the class action concerning the SAR exceedances of Apple brand **iPhones** . And the specialized site *Microwave News* also indicates, in a recent well-documented article on these cases, that **67 similar cases are still awaiting trial** in the United States.

For **Dr. Marc Arazi**, author of the book *Phonagate*, and who has just published the English version to raise awareness of this public health issue in North America:

“Today, in the United States as in other countries, actions will increase on the part of victims, who wish to demand justice. We provide their lawyers with the most up-to-date data on this industrial and health scandal. We also met in the USA, in 2017 and 2018, the lawyers **Lundy & Lundy** who represent the family of **Frank Aaron Walker**. Also, if people suffering from tumors, relatives of victims or their lawyers want to contact us so that our association can support them, we are here to listen. »

On the same subject :

Phonagate Canada: justice authorizes class action against Apple and Samsung