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4609-1 / MCG

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January 28, 2011

VIA FEDERAL EXPRESS and
TELECOPIER

The Honorable Thomas A. Bedell
Circuit Judge of Harrison County
301 West Main Street, Room 321
Clarksburg, West Virginia 26301

Re: Perrine, et al. v. DuPont, et al.;
Civil Action No. 04-C-296-2 (Circuit Court of Harrison County, West Virginia)-
Initial Medical Monitoring and Property Remediation Time Lines and Punch
Lists;
Our File No. 4609-1 {Z}

Dear Judge Bedell:

In accordance with the January 18, 2011 Order respecting medical monitoring, please find the initial time line and punch list for medical monitoring and the initial time line and punch list for property remediation. We are submitting these to you simultaneously, because the two time lines are interrelated. In accordance with the Order, and as reflected in the time lines, we are using our best efforts to share resources and expenditures of the Settlement in carrying out both medical monitoring and property remediation in tandem.

Thank you for the Court's consideration.

Yours very truly,



Edgar C. Gentle, III

ECGIII/kjm
Enclosures

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cc: (with enclosures)(by e-mail)

Stephanie D. Thacker, Esq.,
DuPont Representative on the Settlement Finance Committee

Virginia Buchanan, Esq.
Plaintiff Class Representative on the Finance Committee

Meredith McCarthy, Esq.,
Guardian Ad Litem for Children

cc: (with enclosures)(by fax)

Clerk of Court of Harrison County,
West Virginia, for filing (via telecopier: (304) 624-8710)

A. PREAMBLE TO SUGGESTED INITIAL MEDICAL MONITORING AND PROPERTY PROGRAM TIME LINES AND PUNCH LISTS

In accordance with the Court's January 18, 2011 Final Order Setting Forth the Scope and Operation of the Medical Monitoring Plan, at decretal paragraphs 2 and 9, below are the Initial Proposed Time Lines and Punch Lists for the Medical Monitoring and Property Programs developed by the Claims Administrator in collaboration with the Finance Committee. In carrying out the Settlement, the Claims Administrator and the Finance Committee have agreed to work by consensus to the fullest extent practicable. To this end, and to the extent practicable, the Claims Administrator, to the extent practicable, will provide the Finance Committee with draft submissions to the Court five business days before they are filed, in order to obtain comments and possible resolution. The Finance Committee has agreed not to make filings with the Court concerning the administration of the Settlement without likewise sharing them with the Claims Administrator and all members of the Finance Committee, to the extent practicable, five business days in advance for comment and possible resolution. In a similar vein, the schedule of proposed payment vouchering procedures to be filed with the Court shortly to provide the Finance Committee a reasonable time (at least two business days to the extent practicable) to review proposed Claims Administrator disbursements from either of the two qualified settlement funds before they are made.

THE BELOW COMPLETION DATES ARE PROJECTED. THEY COULD BE CHANGED DUE TO UNFORSEEN EVENTS.

B. SUGGESTED MEDICAL MONITORING PROGRAM INITIAL TIME LINE AND PUNCH LIST

<u>Milestone</u>	<u>Suggested Completion Date</u>
Court establishment of Settlement Finance Committee ("SFC")	January 18, 2011
Class Counsel and DuPont provide the Court and the Claims Administrator their nominees for SFC Representative	January 24, 2011
Claims Administrator submits to the SFC draft initial medical monitoring budget (through 6 month sign up period), and Medical Monitoring Fund payment vouchering procedures, written accounting internal controls, and written investment policy	January 24, 2011
Class Counsel provides Claims Administrator in soft medium the Class Area mail-out address list that was used in Settlement Notice, and to be used in noticing the below town meetings and a description of how it was generated, and Parties provide lists of ineligible <u>Graselli</u> properties	January 24, 2011

Claims Administrator and SFC select Claims Administrator office site and finalize lease for possible Court approval, and Claims Administrator submits the lease to the Court	January 26, 2011
Claims Administrator provides SFC with proposed town meeting Notice mailing list and a description of how it was generated, and lists received from the two sides of the case re property program ineligible <u>Graselli</u> properties	January 26, 2011
Claims Administrator provides SFC draft Class member Notice (for publication and mailing) and registration* forms and draft eligibility criteria for Class medical monitoring program	January 28, 2011
Claims Administrator creates and provides to SFC for review draft list of candidates for medical monitoring third party claims administrator and Claims Administrator provides to SFC for review draft medical monitoring third party claims administrator request for proposals	January 28, 2011
Claims Administrator files medical monitoring and property remediation initial time lines and punch lists with the Court	January 28, 2011
Claims Administrator's Office opens	February 1, 2011
Class Counsel and Claims Administrator nominate to the Court Claimants Advisory Committee for in-Class Area (5 members) after Claims Administrator meets with Class Representatives on February 1	February 4, 2011
Claimants Advisory Committee nominees convene	February 4, 2011
Claims Administrator and SFC finalize initial medical monitoring budget (through 6 month sign-up period), and Medical Monitoring Fund written accounting internal controls, payment vouchering procedures, and written investment policy, and submit to the Court for review	February 4, 2011
The finalized Class Member Notice and registration* forms and eligibility criteria for the Class Medical Monitoring Program are finalized and submitted to the Court for review	February 7, 2011

*Registration means proving medical monitoring Class membership. It does not require participation in the medical monitoring testing program

The Court considers entering an Order approving: (a) the initial medical monitoring time line and punch list; (b) SFC Party Representatives; (c) Claimants Advisory Committee in-Class Area members; (d) the initial budget for the medical monitoring program (through 6 month sign up period); (e) the Medical Monitoring Fund written accounting internal controls, payment vouchering procedures and written investment policy; (f) the Class Member Notice and medical monitoring registration* forms and eligibility criteria; and (g) payment of \$100 to medical monitoring Class Members after they register, with the balance to be paid at end of registration*	February 10, 2011
Medical Monitoring registration* Notice is published** and town meeting notice invitation letters and registration* forms are mailed to Class Area addresses	February 15, 2011
The medical monitoring third party claims administrator candidate list and request for proposals are finalized and submitted by the Claims Administrator to the Court for review	February 21, 2011
Class medical monitoring registration* begins on <u>February 28, 2011</u> and ends <u>August 31, 2011</u> , inclusive (medical monitoring registration* will be available at the February 28 to March 12, 2011 town meetings)	February 28, 2011
The Court considers approving medical monitoring third party claims administrator candidate list and request for proposals	February 28, 2011
Medical monitoring registration* and property program design town meetings at Spelter Fire Station	Weekdays of February 28 to March 11, 2011 (morning 9 a.m. and afternoon 2 p.m. sessions)
RFP issued by Claims Administrator to third party claims administrator candidates	March 1, 2011
Claims Administrator submits to Court recommendations for out-of-Class Area Claimants Advisory Committee Members (4 persons)	March 17, 2011
The Court considers approving out-of-Class Area Claimants Advisory Committee Members	March 24, 2011

** In same newspapers as Class Settlement hearing notice.

Initial medical monitoring Class member cash payments begin as Class membership is proven (maybe \$100/each)	March 31, 2011
Third party claims administrator bids received by Claims Administrator and shared with the SFC and the Court for review	April 1, 2011
Third party claims administrator candidates interviewed by Claims Administrator, Claimants Advisory Committee, and SFC. Claims Administrator, after consulting with the SFC, submits report to the Court recommending third party claims administrator selection	April 29, 2011
The Court considers approving medical monitoring third party claims administrator	May 16, 2011
Third party claims administrator interviews University of West Virginia and other area medical testing providers, surveys Class Area and out-of-Class Area medical monitoring physicians and laboratory prospects, for medical testing provisioning, and prepares for Claims Administrator and SFC for review: (A) medical monitoring implementation recommendations, based on a "retail model" of paying for medical monitoring building blocks; (B) list of in-Class Area and out-of-Class Area potential medical monitoring physicians and laboratories; and (C) draft medical monitoring roll out time line draft (collectively, the "Medical Monitoring Implementation Plan")	July 15, 2011
Claims Administrator prepares for review by SFC and third party claims administrator draft budget for year one (begins with Implementation Date)	July 15, 2011
Medical Monitoring Implementation Plan is finalized by the Claims Administrator, the SFC and the third party administrator and submitted to the Court for review	August 1, 2011
Third party claims administrator and Claims Administrator, after consulting with the SFC and Claimants Advisory Committee, submit medical monitoring implementation budget for year one (beginning with Implementation Date) to the Court for review	August 1, 2011
The Court considers approving the Medical Monitoring Implementation Plan and the year one (beginning with Implementation Date) medical monitoring budget	August 15, 2011
Class medical monitoring registration* ends	August 31, 2011
Medical monitoring testing begins (Implementation Date)	September 8, 2011

Final list of medical monitoring Class members is approved by the Court, and balance of medical monitoring class member cash is paid to registered* medical monitoring Class members

November 15, 2011

**C. SUGGESTED PROPERTY PROGRAM
INITIAL TIME LINE AND PUNCH LIST**

<u>Milestone</u>	<u>Suggested Completion Date after Effective Date</u>
Court establishment of Settlement Finance Committee ("SFC")	January 18, 2011
Class Counsel and DuPont provide the Court and the Claims Administrator their nominees for SFC Representative	January 24, 2011
Claims Administrator submits to the SFC draft initial property program budget (pre-remediation start date), and Property Fund payment vouchering procedures, written accounting internal controls, and investment policy	January 24, 2011
Class Counsel provides Claims Administrator in soft medium the Class Area mail-out address list that was used in Settlement Notice, and to be used in noticing the below town meetings and a description of how it was generated, and Parties provide lists of ineligible properties	January 24, 2011
Claims Administrator and SFC select Claims Administrator Office site and finalize lease for possible Court approval, and Claims Administrator submits the lease to the Court	January 26, 2011
Claims Administrator provides SFC with proposed Notice mailing list and a description of how it was generated, and lists received from the two sides of the case re property program exempt <u>Graselli</u> properties	January 26, 2011
Claims Administrator provides SFC list of potential property remediation technical advisor candidates	January 28, 2011
Claims Administrator submits to the SFC proposed town meeting notice form for medical monitoring sign-up and claimant discussion of property program design	January 28, 2011
Claims Administrator files medical monitoring and property remediation initial time lines and punch lists with the Court	January 28, 2011

Claims Administrator's Office opens	February 1, 2011
Property remediation technical advisor candidates selected for review provide cost proposals	February 3, 2011
Class Counsel and Claims Administrator nominate to the Court Claimants Advisory Committee for in-Class Area (5 members) after Claims Administrator meets with Class Representatives on February 1	February 4, 2011
Claimants Advisory Committee nominees convene	February 4, 2011
Claims Administrator and SFC (a) finalize and submit to the Court for review proposed initial property program (pre-remediation start date) budget, and Property Fund payment vouchering procedures, accounting internal controls, and investment policy, and submit to the Court for review, and (b) nominate for the Court's consideration property remediation technical advisor	February 4, 2011
Property remediation technical advisor candidates selected for a telephone interview are interviewed by the Claims Administrator and SFC, and the Claims Administrator, after consultation with the SFC, provides report and remediation technical adviser nominee(s) to the Court	February 7, 2011
The Court considers issuing an Order approving (a) the initial property program time line and punch list; (b) the SFC Party Representatives; (c) Claimants Advisory Committee in-Class Area Members; and (d) the initial budget for the property program (pre-remediation start date), and Property Fund written accounting internal controls, payment vouchering procedures and written investment policy, (e) the town meeting notice and (f) the property remediation monitoring technical advisor	February 10, 2011
Notice of town meetings (11 meetings for about 250 households each based on alpha sort of tax record property owner last names) is published ** sent to property Class addresses to discuss property program and medical monitoring program	February 15, 2011

** In same newspapers as Class Settlement hearing notice.

Medical monitoring registration* and property program design town meetings at Spelter Fire Station	Weekdays of February 28 to March 11, 2011 (morning 9 a.m. and afternoon 2 p.m. sessions)
Claims Administrator, in consultation with technical advisor and SFC, designs follow-up property program Class member questionnaire re property program design, and submits to the Court for review	March 29, 2011
The Court considers approving questionnaire	April 7, 2011
Questionnaires are mailed to property Class addresses	April 14, 2011
Questionnaire results are received and compiled by the Claims Administrator and submitted to the SFC and the Court for review	May 16, 2011
Property Program Fairness Hearing by the Court, with the Court and the Claims Administrator to obtain final Class member input on property program design	June 1-2, 2011
The Court considers determining in an Order the structure of the property program	June 15, 2011
Claims Administrator, after consulting with the technical advisor and SFC, provides the Court for approval draft property Class member registration forms and eligibility criteria for property program	July 1, 2011
Claims Administrator, technical advisor and SFC submit to the Court RFP for property remediation general contractor and proposed list of candidates for property remediation general contractor for review by the Court (to the extent applicable)	July 1, 2011
The Court considers issuing an Order approving (a) the proposed property program registration forms and (b) the RFP for property remediation general contractor and proposed candidates for property remediation general contractor (to the extent applicable)	July 8, 2011
Property Class Program notice by mail and publication is given, and registration begins, with registration being provided in-person at the Claims Administrator's office, and by mail	July 11, 2011
General contractor RFP issued (to the extent applicable)	July 18, 2011
Property Class cash payments (to the extent applicable) begin to be made on a rolling (as Class members register) basis	August 10, 2011

<p>General contractor bids received, general contractor candidates interviewed by Claims Administrator and Technical Advisor and SFC. Claims Administrator and Technical Advisor, in collaboration with the SFC, submit report to Court recommending selection of property remediation general contractor (to the extent applicable)</p>	<p>August 18, 2011</p>
<p>Court considers approving hiring of property remediation general contractor(s) (to the extent applicable)</p>	<p>August 25, 2011</p>
<p>Property remediation year one implementation budget, time line and punch list (beginning with Implementation Date) (to the extent applicable) are prepared by Claims Administrator, property remediation technical advisor (if applicable), property remediation general contractor (to the extent applicable) and the SFC, and are submitted to the Court for review</p>	<p>September 7, 2011</p>
<p>Court considers approving of year one property remediation implementation budget, time line and punch list (to the extent applicable)</p>	<p>September 14, 2011</p>
<p>Remediation relief (to the extent applicable) for Class members in zones 1, 2 and 3 (to the extent applicable) begins</p>	<p>September 21, 2011</p>
<p>Following verification of Class Member eligibility and the achievement of sufficient remediation registrants to make remediation economical to begin, remediation begins (to the extent applicable) (Implementation Date)</p>	<p>November 1, 2011</p>