

Lawsuit claims office now open in Spelter

by Matt Harvey
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SPELTER — A quarter million dollars has been paid out locally in Harrison County's DuPont smelter lawsuit settlement, and an office to administer claims is now almost fully open weekdays in Spelter.

But how much chemical industry giant DuPont eventually must pay will be determined by what happens in the months and years ahead.

A one-time payment of \$25,000 to each of the 10 plaintiffs who served as representatives for the potential thousands of members of the class action was made Tuesday.

Claims Administrator Edward Gentle III said the checks were awarded during a luncheon meeting. That money came from the lawyers' portion of the settlement, which totaled around \$30 million in fees and expenses.

Gentle, Executive Director Michael Jacks and Executive Assistant Christy Mullins were working Wednesday at the recently opened claims office in Spelter's fire department.

"They're trying to establish a schedule of town hall meetings, as well as otherwise begin organizing the process of medical monitoring and property cleanup.

Fire department President Paul Knotts indicated the meetings will be important.

"Until they have their meetings, I have no idea what they're offering, what they're planning," the long-time Spelter resident said.

The settlement has pro-



Staff photo by Matt Harvey

Class-action lawsuit Claims Administrator Edgar Gentle III, right, and office Executive Director Michael Jacks and Executive Assistant Christy Mullins have opened an office in Spelter's fire hall. They are located just inside where this playground and public courts abut the old Spelter smelter that allegedly polluted northern Harrison County.

vided one benefit for the fire department already, though: Gentle and his staff are renting their space at the fire hall.

The fire department is next to a playground, public courts, a ballfield, and perhaps most notably, the site of the old smelter that a jury in 2007 said had been responsible for years of polluting northern Harrison County with arsenic, cadmium and lead.

That verdict would have cost DuPont about \$400 million, but the Supreme Court adjusted punitive damages downward. Then, it would have been about a \$300 million award. But the high court also said a second jury needed to decide whether the members of the class

action had sued in time. That trial, which would have been held next month, would have been an all-or-nothing proposition for the plaintiffs. That led to them agreeing to forgo punitive damages against DuPont in return for the settlement for property remediation and medical monitoring.

DuPont has agreed to pay \$4 million to members of the medical monitoring class, an amount that will be divided among those who sign up for testing, and those who don't wish to be tested but register for the payout.

There also is about \$34 million to \$36 million left for the property cleanup, Gentle said.

However, how much is

spent on fixing property and on medical tests depends on whether thousands of residents sign up, as some have anticipated, or if the number ends up being less.

The town hall meetings will be used to try to get involvement in property cleanup, as well as to sign them up for either the medical monitoring payout and the testing, or just the medical monitoring payout, Gentle has said.

A court filing by Gentle envisions notices starting to go out in both the mail and in newspapers Feb. 15.

That same document tells Harrison Circuit Judge Thomas A. Bedell that medical monitoring registration is envisioned to begin Feb. 28 and to end Aug. 31.

The document sets medical monitoring testing to tentatively begin Sept. 8. It also sets Nov. 15 as the projected date to pay whatever's left of the \$4 million to "registered medical monitoring class members."

Gentle's filing also envisions possibly selecting a general contractor in late August for the property cleanup.

Shortly after, the court would look at approving the budget for the first year of that program.

Harrison Commissioner Ron Watson said the settlement proceeds eventually will give class action members somewhat of an economic boost.

"As long as they live here, it will probably improve some of their standard of living, unless they nest egg it or put it away for a rainy day," he said.

But he also noted one big part of the settlement that won't be spent here: The attorneys' award.

The law firm of West and Jones, from Clarksburg, had a stake in the case and will get part of the proceeds.

But many of the class action lawyers were from out of state, and "they'll take that money with them," Watson said.