

God bless America

The Exponent Telegram

Thursday
Jan. 13, 2011

TODAY'S WEATHER



Mostly cloudy,
snow showers/25
See Page A10

50¢

newsstand
35¢ home delivery

Copyright 2011 Clarksburg Publishing Co., Clarksburg, WV 26301

Vol. 147 No. 13

Phone: 304-626-1400 or 1-800-982-6034 Newsfax: 304-624-4188 Online: www.cpubco.com

'It's finally a little bit of closure on this thing' Case's special master: DuPont's \$70M cash payment a 'very significant milestone'

by Matt Harvey
ASSISTANT MANAGING EDITOR

CLARKSBURG — A \$70 million cash payment by DuPont in a class-action lawsuit in Harrison County is a "very significant milestone," the case's special master said Wednesday.

DuPont deposited the money Tuesday with MVB Bank, according to Special Master Edgar Gentle III.

Clarksburg's Perry Jones, one of the class-action lawyers, said the action by DuPont was "kind of a relief."

"It's finally a little bit of closure on this thing," Jones said. "It's been going on too long."

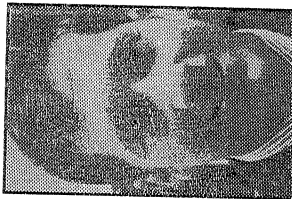


Gentle

The lawsuit was filed in 2004, resulted in a verdict in 2007, then saw part of that overturned by the state Supreme Court. The settlement

was officially approved early this year by Harrison Circuit Judge Thomas A. Bedell. The lawsuit focused on pollution at the Spelter smelter.

The next big milestone in the case, according to Gentle, will be an order from Bedell on how property remediation



Jones

and medical monitoring will be organized.

"I understand that (order) is not out now, but that's anticipated," Gentle said.

Gentle drove here Sunday from his home in Alabama after an unusual snowstorm in the South put flights on hold.

"I'm very interested in getting this program going as quickly as possible," Gentle said.

The \$70 million was invest-

ed by MVB Bank and Wells Fargo Advisors in multiple different financial vehicles, according to a court filing by Gentle.

About \$40 million was put in a fully insured, non-interest bearing account at the bank, the court filing indicates.

About \$24 million was put in 60-day U.S. Treasury bills, the filing indicates.

The \$70 million will be used to pay fees and costs for class-action lawyers. Those amounts have yet to be determined by Bedell. Additionally, \$4 million of the \$70 million will go into the medical monitoring fund, Gentle said.

See CLOSURE, A9

CLOSURE

(Continued from Page A1)

Part of that money will be used for cash payments to individuals who show they are eligible medical monitoring class members. Some also may be used for medical monitoring startup expenses such as paying for mailings and copies, Gentle said.

Medical monitoring providers also have to be identified, and then negotiations on costs will be necessary, Gentle said.

Once testing starts, DuPont will pay for medical monitoring expenses as they accrue, according to Gentle.

Gentle plans some town meetings on how class-action members want property remediation structured. The Spelter fire station could be the location, he said.

Gentle, an attorney who has had a like role in similar previous litigation, said he will travel back and forth from Alabama. He estimated spending about half his time here.

Class-action members who have questions about property remediation or medical monitoring can call Gentle at (205) 960-2533.

Separately, Bedell on Wednesday consolidated into one case 15 recent personal

injury claims against DuPont over the Spelter smelter.

The judge also set trial in the case to begin the week of June 11, 2012.

DuPont is represented by some of the same lawyers who handled the class-action medical monitoring and property remediation case. That case didn't preclude personal injury claims.

The plaintiffs in the personal injury cases are representing themselves.