

IN THE CIRCUIT COURT OF  
HARRISON COUNTY, WEST VIRGINIA

LENORA PERRINE and other individuals residing in West Virginia,  
on behalf of herself and all others similarly situated,

Plaintiffs,

vs.

Case No. 04-C-296-2  
(Honorable Thomas A. Bedell)

E.I. DU PONT DE NEMOURS AND COMPANY,  
a Delaware corporation doing business in West Virginia,

Defendant.

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**Notice of Proposed Settlement Regarding the former Zinc Smelter  
in Spelter, West Virginia**

**DO NOT CALL THE COURT REGARDING THIS NOTICE**

The parties to this litigation have agreed to a settlement that will become final if approved by the Court. A hearing has been set for 9:00 a.m. December 30, 2010, to determine the fairness of this settlement. The hearing will be held at the Harrison County Court House in Judge Thomas Bedell's Court Room.

If the Court determines that the settlement is fair, the Court may approve the settlement on that date. Your appearance at the hearing is not required unless you intend to object to the settlement. You do not have to attend this hearing to be eligible to be a member of the class. Your eligibility will be determined by a claims administrator at a later date.

**Terms of the Settlement**

**Cash Payment:** DuPont has agreed to pay \$70,000,000.00 that will be used to pay for property remediation, initial start up costs of a medical monitoring program, attorneys' fees for the lawyers representing the class, and litigation expenses that were incurred by the plaintiffs' counsel during the course of this litigation. A cash payment may be made to individual class members as determined at a later date by a claims administrator to be appointed by the Judge. The availability and amount of cash payments to property owners and medical monitoring class members will depend upon various factors, including, but not limited to, the total number of class members participating in the medical monitoring class. The amount of individual cash payments cannot be determined at this time.

**Medical Monitoring:** DuPont has agreed to pay for a medical monitoring program for residents of the class area who meet certain residency requirements. The medical monitoring program will continue for 30 years for all potential class members who apply to participate in the medical monitoring period during a six month sign up period that will run for six months from the date of the Court's Order approving the settlement. A determination of eligibility will be made by the class administrator for all who apply for medical monitoring during the applicable sign up period.

### **Can I object to the settlement?**

If you are a member of the class, you can object to the settlement. You may object to the settlement but you must follow the procedure outlined in this section. If you do not follow this procedure, you will not be able to raise your objection at the fairness hearing. The procedure requires you to notify the attorneys and the Court of your intent to object. You must set forth the grounds for your objection.

First, if you wish to object to the to the fairness, reasonableness, or adequacy of the settlement, you must mail a notice of intent to object, together with copies of any papers the member of the Class intends to present to the Claims Administrator no later than **December 20, 2010**. You must mail your notice by **certified mail**. The address for the Claims Administrator is listed below:

Edgar Gentle  
P.O. Box 12327  
Birmingham, Alabama 35202

Second, you must also file a copy of the notice of intent to object and any accompanying documentation with the Harrison County Circuit Court no later than **December 20, 2010**. If you file your notice, your notice must reference the case Perrine et al. v. DuPont, Case Number 04-C-296-2.

Class members may make such appearances or objections either on their own or through attorneys hired at their own expense. If an attorney will represent any such Class member, he or she must (i) file a notice of appearance with the Court no later than December 20, 2010, and (ii) serve the notice of appearance on Class Counsel and on counsel for DuPont.

Only those Class Members who follow the procedures set forth above may appear at the Final Approval Hearing and/or have their objections considered by the Court.

### **Who do I call if I have questions?**

You can call the Claims Administrator, Edgar Gentle, at 1-800-345-0837. **DO NOT CALL THE COURT OR THE TRIAL JUDGE.**

**For your information:**

**Plaintiffs' Counsel**

**Attn: Farrest Taylor**

**Cochran, Cherry, Givens, Smith, Lane and Taylor**

**163 West Main Street**

**Dothan, AL 36301**

**DuPont's Counsel**

**Attn: Stephanie Thacker**

**Allen, Guthrie & Thomas, P.L.L.C.**

**500 Lee Street, East, Suite 800**

**Charleston, WV 25301**

**Circuit Court of Harrison County**

**Attn: Clerk**

**301 W Main St # 301**

**Clarksburg, WV 26301-2967**

### **Where do I get more information?**

**Additional information can be found on the Spelter Class Action website, [www.spelterclass.com](http://www.spelterclass.com). For example, the Memorandum of Understanding between the parties has been posted on this site, which explains how the claims administrator intends to use the funds and administer the medical monitoring program. Also, the Petition for Attorneys' Fees and Expenses will be available from the website.**