

**IN THE CIRCUIT COURT OF
HARRISON COUNTY, WEST VIRGINIA**

**LENORA PERRINE, CAROLYN HOLBERT,
WAUNONA MESSINGER CROUSER,
REBECCA MORLOCK, ANTHONY BEEZEL,
MARY MONTGOMERY, MARY LUZADER,
TRUMAN R. DESIST, LARRY BEEZEL, and
JOSEPH BRADSHAW, individuals residing in West Virginia,
on behalf of themselves 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,
MEADOWBROOK CORPORATION, a dissolved
West Virginia corporation, MATTHIESSEN & HEGELER ZINC
COMPANY, INC., a dissolved Illinois corporation formerly
doing business in West Virginia, and
T. L. DIAMOND & COMPANY, INC.,
a New York corporation doing business in West Virginia,**

Defendants.

ORDER APPOINTING CLAIMS ADMINISTRATOR

Before this Court is Plaintiffs' Class Counsel's Motion to Appoint Edgar C. Gentle, III, as Claims Administrator to aid the Court in its administration of the medical monitoring, property remediation, and punitive damage distribution aspects of this case. Counsel for Defendant, E.I. Du Pont De Nemours and Company, without waiving any other aspects of this case, including the Defendant's right to request reconsideration of all prior Verdicts and Orders herein or to appeal any thereof, made no objections to Mr. Gentle's appointment.

At the Medical Monitoring Hearing on January 15, 2008, Mr. Gentle appeared before this Court and shared with the Court and counsel some preliminary observations with respect to the possible administration of this case.

The Court, having reviewed the Motion respecting the engagement of Mr. Gentle as Claims Administrator, the Defendant's Response thereto, and the examination of Mr. Gentle by Plaintiffs' counsel, it is hereby ORDERED, ADJUDGED and DECREED As follows:

1. In accordance with prior authority summarized in *Aluise v. Nationwide Mutual Fire Insurance*, 218 W. Va. 498, 625 S.E.2d 260 (W. Va. 2005), and *State ex rel. Mantz v. Zakaib*, 216 W. Va. 656, 609 S.E.2d 870 (W. Va. 2004), the Court hereby engages Edgar C. Gentle, III, as the Claims Administrator and Special Master to aid the Court in carrying out the medical monitoring, property remediation, and punitive damages distribution aspects of this case. Mr. Gentle will serve as Claims Administrator and Special Master at the discretion of the Court. The Court may modify this Order at any time to properly implement the Amended Judgment Order previously entered.

2. To the extent practicable, the Claims Administrator shall provide the Court with his administrative expense invoices on a calendar monthly basis for services rendered and expenses incurred in carrying out his duties herein.

3. Mr. Gentle's appointment is under the authority of West Virginia law allowing this Court to exercise general powers and responsibilities over class actions. His actions as Claims Administrator and Special Master (and those of his employees and agents), in accordance with this Order and all future Orders of the Court, will constitute judicial actions of this Court and be protected, to the maximum extent allowable by law, by the doctrine of judicial immunity.

4. Lastly, pursuant to W.Va. R. Civ. Rule 54(b), the Court directs the entry of this Order as to the claims above upon an express determination that there is no just reason for delay and upon an express direction for the entry of judgment.


It is ORDERED that the Clerk of this Court shall provide certified copies of this Order to the following:

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J. Farrest Taylor
Cochran, Cherry, Givens, Smith, Lane &
Taylor, P.C.
163 W. Main Street
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DONE and ORDERED in Chambers at Clarksburg, Harrison County, West Virginia, on this

25th day February of 2008.


THOMAS A. BEDELL, JUDGE