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IN THE CIRCUIT COURT OF HARRISON COUNTY, WEST VIRGINIA

LENORA PERRINE, et al.,

Plaintiffs,

v.

Case No. 04-C-296-2
Judge Thomas A. Bedell

E. I. DUPONT DE NEMOURS &
COMPANY, et al.,

Defendants.

**ORDER RESULTING FROM THE JULY 18, 2017 HEARING ON
MEDICAL MONITORING PROGRAM DESIGN**

The Court previously entered the "Scheduling Order Respecting a Possible Health Study and the Use of Residual Remediation Funds," ("the Scheduling Order") on March 9, 2017. Pursuant to the Scheduling Order, the Court received a written submission from the Claims Administrator and the Medical Advisory Panel on April 24, 2017, followed by written submissions from the Guardian *ad litem* on May 24, 2017, DuPont on June 22, 2017, and Class Counsel on July 14, 2017.

The pending matters identified in the submissions are related to the usage of the Remediation surplus (which is addressed in a separate Order) and the design of the Medical Monitoring Program.

The Court held a hearing on these issues on July 18, 2017, at 12:00 p.m., to allow the Court to consider these matters. The hearing was attended by Edgar C. Gentle, III, the Claims Administrator; Meredith McCarthy, as guardian *ad litem*; Jim Arnold, counsel for DuPont; Michael Jacks, as local counsel for the Claims Administrator; Settlement Staff, Christy Mullins; Medical Advisory Panel member Dr. Bruce Pitt, and the hearing was broadcast on a conference

call and attorneys, Farrest Taylor, as Counsel; Kip Harbison, Chris Smith, and Jennifer Blankenship, for the Claims Administrator's office; and Niall Paul and Clifford Kinney, for DuPont, participated telephonically.

The following is a summary of the record on the design of the Medical Monitoring Program provided to the Court.

A June 23, 2017 Report of the Claims Administrator and the Medical Advisory Panel contained the Settlement Finance Committee's following agreed question: "Based upon scientific and medical developments since early 2011, do the existing medical monitoring protocols of the Perrine Medical Monitoring Program require updating?" In this Report, the question was answered in the affirmative, and a description of the recommended Medical Monitoring testing modifications was included therein.

The Claims Administrator announced that he and the Medical Advisory Panel are scheduled to meet with CTIA, the Medical Monitoring Program Third Party Administrator, and the Finance Committee on August 22, 2017 to further discuss and to finalize the Medical Advisory Panel's recommended modifications to the testing protocols of the Medical Monitoring Program.

Based upon the April 24, 2017 and June 23, 2017 Reports of the Claims Administrator and the Medical Advisory Panel, the recommended modifications to the Medical Monitoring Program design include: (i) modifications to the testing protocols per the June 23, 2017 Report; and (ii) a health study, Claimant participation incentive payments and Claimant transportation per the April 24, 2017 Report.

After hearing from the Parties, the Court determines and hereby **ORDERS** that the Claims Administrator and the Medical Advisory Panel and the Parties shall submit on or before September 15, 2017, their respective positions on the testing and any other design modifications to the

Medical Monitoring Program recommended by the Medical Advisory Panel. Thereafter, the Court will enter a Final Order in accordance Rule 54(b) of the West Virginia Rules of Civil Procedure, on these matters.

The Clerk of this Court shall provide certified copies of this Order to the following:

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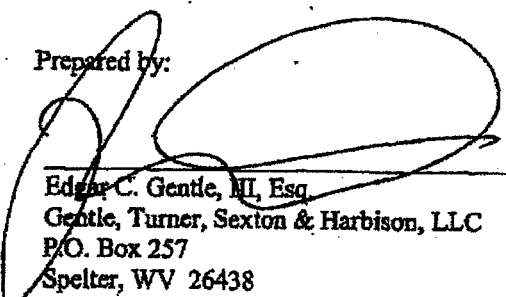
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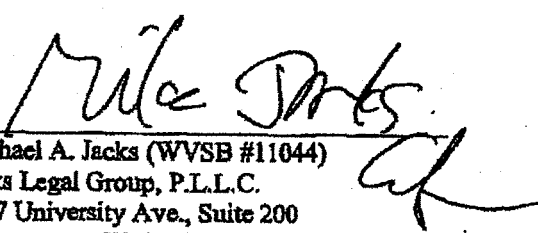
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ENTER: August 4, 2017


Thomas A. Bedell, Circuit Judge

Prepared by:


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