

**PERRINE DUPONT SETTLEMENT
SPELTER VOLUNTEER FIRE DEPARTMENT CLAIMS OFFICE
55 B. STREET
P.O. BOX 257
SPELTER, WV 26438
304-622-7443
1-800-345-0837
www.perrinedupont.com
perrinedupont@gtandslaw.com**

August 24, 2011

The Honorable Thomas A. Bedell (VIA HAND DELIVERY)
Circuit Judge of Harrison County
301 West Main Street, Room 321
Clarksburg, West Virginia 26301

**Re: Perrine, et al. v. DuPont, et al.;
Civil Action No. 04-C-296-2 (Circuit Court of Harrison County, West Virginia) -
The Claims Administrator's Proposed Possible Property Program Design Zone
1A/Zone 1B-2 Adjustment;
Our File No. 4609-1{DD-1}**

Dear Judge Bedell:

A. Description of the Issue

During the initial implementation of the Property Clean-Up Program, some of the owners of 24 parcels along upper B. Street in Spelter (the "Upper B Street Property") have brought to our attention a potential anomaly in the Zone 1A/Zone 1B-2 boundary, which is apparent in reviewing the Zone 1A Map in Exhibit A.

Although the Upper B Street Property is located in Spelter, where the former Zinc Smelter was located, and 6 of these properties are actually adjacent to the fenced-in Zinc Smelter Site owned by DuPont, the property is categorized as Zone 1B or 2 Property by the Court-approved Report of property expert Dr. Kirk Brown, only meriting house testing and possible clean-up under Dr. Brown's Report, as opposed to Zone 1A property, which merits both house and soil testing followed by a possible clean-up of both under Dr. Brown's Report.

The Upper B Street Properties are shaded in the Map in Exhibit B and are listed in Exhibit C.

Mr. Marc Glass, the Court-appointed Property Remediation (Clean-Up) Advisor, has examined this issue, and has expressed the expert opinion that (i) there is no other such anomaly

pertaining to Zone 1A, where the property actually abuts the Zinc Smelter Site and is not in Zone 1A; and (ii) the Upper B Street Property is the only part of Spelter not now in Zone 1A.

In order to vet this matter as fully as possible prior to bringing it before the Court, we convened a Claimants' Advisory Committee meeting to discuss it fully on August 15, 2011, and we invited the Finance Committee to attend. Perry Jones attended for Class Counsel. Attending the Claimants' Advisory Committee meeting were six of the eight active members, with one working, and one being sick. Of the members attending, some are Zone 1A property owners, some are Zone 2 property owners, one is a Grasselli property owner, and one lives outside the Class Area. Also attending were 2 of the 24 Upper B Street Property owners.

Mr. Glass and Meredith McCarthy, the guardian ad litem, also attended the meeting, as did Mike Jacks, the Settlement Claims Office Executive Director, and the undersigned.

The meeting began with Mr. Glass discussing the issue. The 2 impacted owners then provided their input. The meeting was then opened for general discussion.

After a lengthy discussion, the Claimants' Advisory Committee unanimously agreed that the Upper B Street Properties should be examined to determine if they should be included in Zone 1A.

B. Proposed Remedy

After considering the uniqueness of this Zone 1A classification anomaly, the limited scope of the resulting possible expansion of Zone 1A to include the Upper B Street Properties, and the proximity of the 24 parcels to the Zinc Smelter Site, the very helpful input of Mr. Glass and the Claimants' Advisory Committee, and the need for a common-sense approach to the Property Clean-Up Program, and after consulting with the Finance Committee, we make the following proposal to the Court:

Each of the 24 Upper B Street Properties (to the extent the owners agree to participate) should have soil tests for heavy metals contamination in the same manner as Zone 1A, to be paid for by the Settlement.

The average soil contamination results of Zone 1A will be compared to the average soil contamination test results of the Upper B Street Properties.

If there is no statistically significant difference between the two average results, we will recommend to the Court that the Upper B Street Properties be added to Zone 1A. In addition, we may recommend an alternative remedy based on all the facts and circumstances.

A proposed Order directing the same and approving a form of notice letter to the Upper B Street Property owners is attached for your consideration.

Thank you for your consideration in this matter.

Yours very truly,



Ed Gentle,
Claims Administrator

ECG/kah
Enclosures

cc: (with enclosures) (by e-mail)

Stephanie D. Thacker, Esq.,
DuPont Representative on the Settlement Finance Committee
Virginia Buchanan, Esq.
Plaintiff Class Representative on the Finance Committee
Meredith McCarthy, Esq.,
Guardian Ad Litem for Children
Diandra S. Debrosse, Esq.
Katherine A. Harbison, Esq.
Paige F. Osborn, Esq.
Michael A. Jacks, Esq.
William S. ("Buddy") Cox, Esq.
J. Keith Givens, Esq.
McDavid Flowers, Esq.
Farrest Taylor, Esq.
Ned McWilliams, Esq.
Perry B. Jones, Esq.
Angela Mason, Esq.
Mr. Marc Glass

cc: (with enclosures) (by hand delivery)
Clerk of Court of Harrison County,
West Virginia, for filing

EXHIBIT A

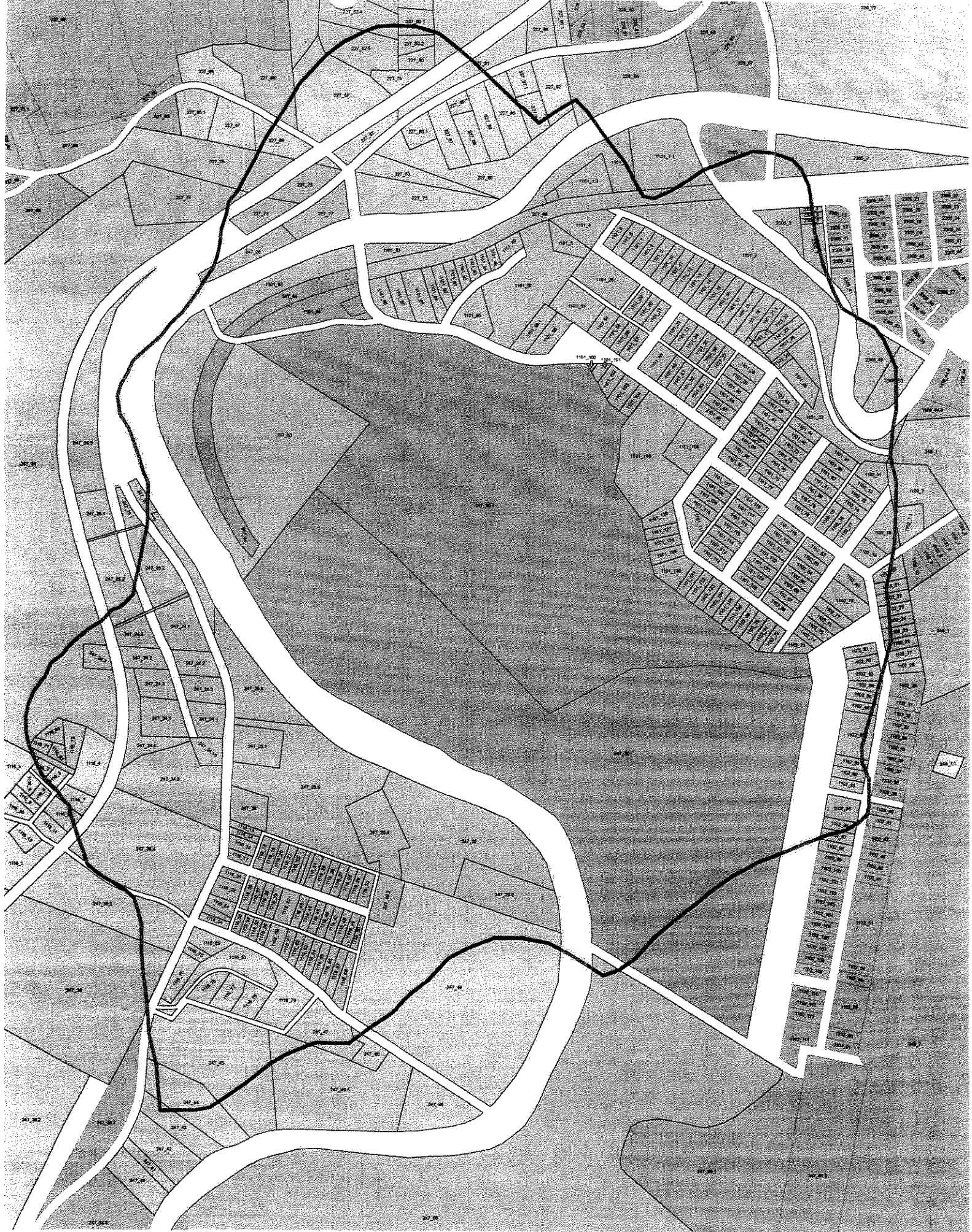


EXHIBIT B

EXHIBIT C

D	E	F	H	I	J	K
DATE	PARCEL NUMBER	FILE #	OWNER ADDRESS	OWNER CITY	OWNER STATE	OWNER ZIP
11-02	2	11-02_2	PO BOX 47 6TH ST	SPELTER	WV	26438
11-02	4	11-02_4	PO BOX 47 6TH ST	SPELTER	WV	26438
11-02	6	11-02_6	PO BOX 47 6TH ST	SPELTER	WV	26438
11-02	8	11-02_8	PO BOX 47 6TH ST	SPELTER	WV	26438
11-02	9	11-02_9	PO BOX 173	SPELTER	WV	26438
11-02	10	11-02_10	PO BOX 173	SPELTER	WV	26438
11-02	29	11-02_29	PO BOX 37	HEPZIBAH	WV	26369
11-02	31	11-02_31	PO BOX 31	SPELTER	WV	26438
11-02	31	11-02_31	PO BOX 31 %IVA FADLEY*06	SPELTER	WV	26438
11-02	32	11-02_32	PO BOX 31	SPELTER	WV	26438
11-02	32	11-02_32	PO BOX 31 %IVA FADLEY*06	SPELTER	WV	26438
11-02	33	11-02_33	158-B ST - PO BOX 181	SPELTER - Haywood	WV	26438-26366
11-02	34	11-02_34	158-B ST - PO BOX 181	SPELTER - Haywood	WV	26438-26366
11-02	35	11-02_35	PO BOX 134 - PO Box 324	SPELTER - Hepzibah	WV	26438 - 26369
11-02	36	11-02_36	PO BOX 134 - PO Box 324	SPELTER - Hepzibah	WV	26438 - 26369
11-02	37	11-02_37	PO BOX 134	SPELTER	WV	26438
11-02	38	11-02_38	PO BOX 128 %LLOYD PARKER	SPELTER	WV	26438
11-02	39	11-02_39	PO BOX 148	SPELTER	WV	26438
11-02	42	11-02_42	PO BOX 42	SPELTER	WV	26438
11-02	44	11-02_44	PO BOX 133	SPELTER	WV	26438
11-02	45	11-02_45	PO BOX 133	SPELTER	WV	26438
11-02	46	11-02_46	PO BOX 133	SPELTER	WV	26438
11-02	51	11-02_51	PO BOX 48	SPELTER	WV	26438
11-02	51	11-02_51	PO BOX 48	SPELTER	WV	26438
11-02	54	11-02_54	PO BOX 44	SPELTER	WV	26438
11-02	55	11-02_55	PO BOX 44	SPELTER	WV	26438
11-02	59	11-02_59	PO BOX 96	SPELTER	WV	26438
11-02	60	11-02_60	PO BOX 96	SPELTER	WV	26438
11-02	61	11-02_61	PO BOX 96	SPELTER	WV	26438
11-02	99	11-02_99	207 B STREET	SPELTER	WV	26438
11-02	100	11-02_100	898 EAST AVE	SHINNISTON	WV	26431
11-02	101	11-02_101	PO BOX 118	SPELTER	WV	26438
11-02	102	11-02_102	PO BOX 118	SPELTER	WV	26438
11-02	103	11-02_103	PO BOX 118	SPELTER	WV	26438
11-02	104	11-02_104	PO BOX 6	SPELTER	WV	26438
11-02	105	11-02_105	PO BOX 6	SPELTER	WV	26438

D	E	F	H	I	J	K
11-02	106	11-02_106	PO BOX 6	SPELTER	WV	26438
11-02	107	11-02_107	PO BOX 6	SPELTER	WV	26438
11-02	108	11-02_108	PO BOX 6	SPELTER	WV	26438
11-02	109	11-02_109	PO BOX 6	SPELTER	WV	26438
11-02	110	11-02_110	BOX 167	SPELTER	WV	26438
11-02	111	11-02_111	BOX 167	SPELTER	WV	26438
11-02	112	11-02_112	BOX 167	SPELTER	WV	26438
11-02	114	11-02_114	PO BOX 85	SPELTER	WV	26438
247	59.2	247_59.2	PO BOX 135	SPELTER	WV	26438

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.

**FINAL ORDER APPROVING SOIL TESTS
FOR 24 UPPER B STREET PROPERTIES**

Presently pending before the Court is the Claims Administrator's August 24, 2011 Report respecting 24 properties along Upper B Street in Spelter, West Virginia, (the "Upper B Street Properties") that are not currently eligible for soil testing and clean-up because they were not classified as Zone 1A in Dr. Kirk Brown's Report adopted by this Court in the June 27, 2011 Property Remediation (Clean-Up) Order, as apposed to Zone 1A property, which merits both house and soil testing followed by a possible clean-up of both under Dr. Brown's Report, but instead are classified as Zone 1B or Zone 2, despite their close proximity to the Zinc Smelter Site. The Claims Administrator relates that 6 of the properties are adjacent to the fenced-in Zinc Smelter Site.

After a careful review of the issue and the information provided to the Court by the Claims Administrator, which specifically identifies the 24 Upper B Street Properties, the Court **ORDERS** that these 24 Upper B Street Properties shall be eligible and at the expense of the Settlement, to have heavy metals contamination soil tests performed in the same manner as for Zone 1A Properties.

The Claims Administrator shall then compare the Zone 1A Test results with the Upper B Street Properties soil test results, with the Claims Administrator, based on such a comparison and other facts and circumstances deemed to be appropriate, and after further consultation with the Claimants Advisory Committee and the Finance Committee, to make a recommendation to the Court for a possible resolution to this matter.

Further, the Court has reviewed the proposed letter to the affected property owners of the 24 properties attached hereto as Exhibit A and approves its use in this matter.

Lastly, pursuant to Rule 54(b) of the West Virginia Rules of Civil Procedure, the Court directs entry of this Order as a Final Order as to the claims and issues 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 SO ORDERED.

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

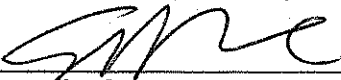
Stephanie Thacker, Esq.
Guthrie & Thomas, PLLC
P.O. Box 3394
Charleston, WV 25333-3394
DuPont's Finance Committee Representative

Meredith McCarthy, Esq.
901 W. Main St.
Bridgeport, WV 26330
Guardian Ad Litem

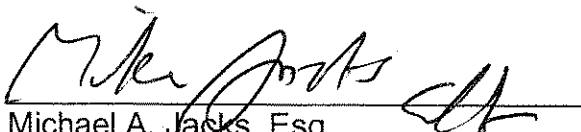
Virginia Buchanan, Esq.
Levin, Papantonio, Thomas, Mitchell,
Rafferty & Proctor, P.A.
P.O. Box 12308
Pensacola, FL 32591
Plaintiffs' Finance Committee Representative

Edgar C. Gentle, III, Esq.
Settlement Claims Office
P.O. Box 257
Spelter, WV 26438
Claims Administrator

This Order Prepared By:



Edgar C. Gentle, III, Esq.
Gentle, Turner & Sexton
P. O. Box 257
Spelter, WV 26438
Claims Administrator



Michael A. Jacks, Esq.
Gentle, Turner & Sexton
W. Va. Bar No. 11044
P.O. Box 257
Spelter, WV 26438

ENTER: _____

Thomas A. Bedell, Circuit Judge

Letter to Be Sent to Upper
B Street Property Owners

**PERRINE DUPONT SETTLEMENT
SPELTER VOLUNTEER FIRE DEPARTMENT CLAIMS OFFICE
55 B. STREET
P.O. BOX 257
SPELTER, WV 26438
304-622-7443
1-800-345-0837
www.perrinedupont.com
perrinedupont@gtandslaw.com**

_____, 2011

John Doe
PO Box XXX
Spelter, WV 26438
Parcel Tax ID

**Re: Perrine, et al. v. DuPont, et al.;
Civil Action No. 04-C-296-2 (Circuit Court of Harrison County, West
Virginia) - The Claims Administrator's Proposed Possible Property Program
Design Zone 1A/Zone 1B-2 Adjustment;
Our File No. 4609-1{DD-3}**

Dear Claimant,

The purpose of this letter is to update you with respect to your Settlement and to ask for your help.

Your property is one of 24 properties located along Upper B Street in Spelter (the "Upper B Street Properties") that is not in Zone 1A and is currently not eligible for soil testing and soil clean-up if necessary.

The Zone 1A boundary line was established by Dr. Kirk Brown, an expert utilized in the litigation of this case, with the Court subsequently adopting Dr. Brown's Report in the June 27, 2011 Property Remediation (Clean-Up) Order.

Due to the proximity of the Upper B Street Properties to the Zinc Smelter Site, and based on concerns of property owners such as you, we have asked the Court for permission to soil test the

Exhibit A

Upper B Street Properties for heavy metals contamination, to determine if there is or is not a significant difference in contamination of these properties compared to Zone 1A as a whole. After considering our concerns, the Court has Ordered that you can have your soil tested at the expense of the Settlement, and help us make this determination.

If you agree to this proposal, we will be contacting you to have your soil tested. We encourage you to be present for the soil test.

BECAUSE OF THESE SPECIAL CIRCUMSTANCES, YOUR PROPERTY IS ONE OF ONLY 24 PROPERTIES IN THE ENTIRE CLASS AREA THAT IS NOT IN ZONE 1A AND IS HAVING SOIL TESTS PAID FOR BY THE SETTLEMENT.

After your soil is tested, the results will be compared with the test results in Zone 1A as a whole. **IF** the Upper B Street Properties soil is equally contaminated with that in Zone 1A, on average, we will recommend to the Court that your property be added to Zone 1A, that you receive a \$5,000 annoyance and inconvenience payment, and that any hazardous soil on your property be removed and replaced at the expense of the Settlement.

If the Upper B Street Properties are **not equally contaminated with Zone 1A, they will not be added to Zone 1A** and you will not receive soil clean-up or the \$5,000 annoyance and inconvenience payment, although we will share your soil test results with you and the comparison of the Upper B Street Properties test results with Zone 1A's soil test results.

This letter only applies to your soil. Your house is still eligible for testing and cleaning by the Settlement regardless of the soil test results. You are also entitled to \$500 for annoyance and inconvenience for testing of the house.

IF YOU AGREE TO PARTICIPATE IN THIS VOLUNTARY UPPER B STREET PROPERTY SOIL TESTING PROGRAM, PLEASE CHECK THE YES BOX BELOW, AND RETURN THE EXTRA COPY OF THIS LETTER WE HAVE PROVIDED YOU IN THE ENCLOSED SELF-ADDRESSED AND STAMPED ENVELOPE.

☐ YES, I AGREE TO THE UPPER B STREET PROPERTY SOIL TEST.

Thank you for your consideration and patience.

Yours very truly,

Ed Gentle,
Claims Administrator