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October 5, 2011

Via Telefacsimile

The Honorable Donald Kopp, Clerk Circuit Court of Harrison County 301 West Main Street Clarksburg, WV 26301

Re:

Perrine, et al. v. E. I. du Pont de Nemours and Company, et al.

Civil Action No. 04-C-296-2 (Cir. Ct. of Harrison County, W. Va.)

Dear Mr. Kopp:

Enclosed for filing in connection with the referenced civil action, please find "DuPont's Submission Regarding the Proposed Preliminary CT Scan Physician Verification Form and the Preliminary Medical Monitoring Program Scientific and Health Research Data Collection Claimant Consent Form." Copies of the foregoing have this day been properly served.

Thank you for your attention to this matter.

Very truly yours.

JAMES S. ARNOLD

JSA/blm Enclosure

c/enc.:

The Honorable Thomas A. Bedell (Via Telefacsimile)

Meredith McCarthy, Esq. (Via Electronic and U. S. Mail)

Perry B. Jones, Esq. (Via U. S. Mail)

Virginia Buchanan, Esq. (Via Electronic and U. S. Mail) Edgar C. Gentle, III (Via Electronic and U. S. Mail)

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

LENORA PERRINE, CAROLYN HOLBERT, WAUNONA MESSINGER, REBECCAH MORLOCK, ANTHONY BEEZEL, MARY ELLEN 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,

 $\mathbf{V}$ .

CIVIL ACTION NO. 04-C-296-2 (Judge 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, MATTHEISSEN & HEGELER ZINC COMPANY, INC., a dissolved Illinois corporation formerly doing business in West Virginia, NUZUM TRUCKING COMPANY, a West Virginia corporation, T. L. DIAMOND & COMPANY, INC., a New York corporation doing business in West Virginia, and JOSEPH PAUSHEL, an individual residing in West Virginia,

Defendants.

DUPONT'S SUBMISSION REGARDING THE PROPOSED PRELIMINARY CT SCAN PHYSICIAN VERIFICATION FORM AND THE PRELIMINARY MEDICAL MONITORING PROGRAM SCIENTIFIC AND HEALTH RESEARCH DATA COLLECTION CLAIMANT CONSENT FORM

Now comes Defendant E.I. du Pont de Nemours and Company ("DuPont"), by counsel, and submits its position with regard to the September 20, 2011 submission by the Claims Administrator regarding the proposed Preliminary CT Scan Physician Verification Form and the Preliminary Medical Monitoring Program Scientific and Health Research Data Collection Claimant Consent Form.

DuPont does not object to the September 20, 2011 proposed Preliminary CT Scan Physician Verification Form. It is consistent with the November 19, 2010 Memorandum of Understanding agreed to by the Parties.<sup>1</sup>

As to the proposed Medical Monitoring Program Optional Scientific and Health Research Data Collection Claimant Consent Form, DuPont does not object to the September 20, 2011 second draft of this proposed form prepared by the Claims Administrator.

E.I. DU PONT DE NEMOURS AND CO.,

Defendant,

BY COUNSEL:

David B. Thomas (WV Bar No. 3731)

James S. Arnold (WV Bar No. 0162)

Stephanie D. Thacker (WV Bar No. 5898)

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(304) 345-7250

Counsel for E.I. du Pont de Nemours and Company

<sup>&</sup>lt;sup>1</sup> For further details in this regard, DuPont incorporates by reference its discussion of this proposed CT Scan Physician Verification Form in its October 3, 2011 submission at pp. 3-4.

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

LENORA PERRINE, et al., individuals residing in West Virginia, on behalf of themselves and all others similarly situated,

Plaintiffs,

 $\mathbf{V}_{\mathbf{r}}$ 

E.I. DU PONT DE NEMOURS AND COMPANY, et al.,

Defendants.

CIVIL ACTION NO. 04-C-296-2

Honorable Thomas A. Bedell

## **CERTIFICATE OF SERVICE**

I, James S. Arnold, counsel for Defendant E.I. du Pont de Nemours, hereby certify that service of the foregoing "DuPont's Submission Regarding the Proposed Preliminary CT Scan Physician Verification Form and the Preliminary Medical Monitoring Program Scientific and Health Research Data Collection Claimant Consent Form" has been made upon the parties herein by placing a true copy in the U. S. Mail, postage prepaid, this 5<sup>th</sup> day of October, 2011, addressed as follows:

Virginia M. Buchanan Levin, Papantonio, Thomas, Mitchell, Echsner, Rafferty & Proctor, P.A. 316 S. Baylen St., Suite 400 Pensacola, FL 32502

Edgar C. Gentle, Claims Administrator C/O Spelter Volunteer Fire Department Office 55 B Street P.O. Box 257 Spelter, WV 26438 Meredith McCarthy, Esq. 901 W. Main Street Suite 201 Bridgeport, WV 26330

Perry B. Jones West & Jones 360 Washington Avenue Clarksburg, WV 26301

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