

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. 05-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.

AFFIDAVIT OF ARNOLD LEVIN

COMMONWEALTH OF PENNSYLVANIA)

Before me, the undersigned Notary Public, in and for said Commonwealth, appeared this
day ARNOLD LEVIN, who, after being duly sworn on oath, says that the following information
is true and correct according to Affiant's best knowledge and belief:

1. I am the senior partner in the law firm of Levin, Fishbein, Sedran & Berman.
2. I graduated from Temple University, B.S., in 1961, and Temple Law School,
LLB, in 1964.
3. I am listed in The Best Lawyers of America, Pennsylvania Super Lawyers, and I

am a Fellow of the International Society of Barristers. I have multiple Reported Federal and State Opinions and I am a frequent lecturer. I have published: "Clearing A Path Through Multi District Litigation," Trial Magazine, September 1979; "Class Action," Trial Magazine, May 1982; "Proof of Causation: The Problem of the Indeterminate Defendant and of the Indeterminate Plaintiff," The Barrister, Winter 1985-1986.

4. I am currently Co-Lead Counsel for the Plaintiffs' Legal Committee and Plaintiffs' Liaison Counsel and Class Counsel in *In re Orthopedic Bone Screw Products Liability Litigation*, MDL No. 1014 (E.D. of Pa.) and Co-Lead Counsel for the Plaintiffs' Management Committee, Class Counsel and Plaintiffs' Liaison Counsel in *In re Diet Drugs (Phentermine, Fenfluramine, Dexfenfluramine) Products Liability Litigation*, MDL No. 1203 (E.D. of Pa.). I am a member of Plaintiffs' Executive Committee in *In re Rezulin Products Liability Litigation*, MDL No. 1348 (S.D. of NY) and a Member of Plaintiffs' Steering Committee in *In re Propulsid Products Liability Litigation*, MDL No. 1355 (E.D. of LA) and *In re Vioxx Products Liability Litigation*, MDL No. 1657 (E.D. of LA). I was a Member of Plaintiffs' Executive Committee and Lead Trial Counsel, *In Re Asbestos School Litigation*, U.S.D.C., Eastern District of Pennsylvania, Master File No. 83-0268 and Plaintiffs' Steering Committee in *Silicone Gel Breast Implants Products Liability Litigation*, Master File No. CV-92-P-10000-S; *In re Telectronics Pacing Systems, Inc. Accufix Artrial "J" Leads Products Liability Litigation*, Case No. MDL-1057 (S.D. Ohio); and *In re Baxter Healthcare Corporation Gammagard Products Liability Litigation*, MDL No. 1060-R (C.D. of Calif.); and *In re Norplant Product Liability Litigation*, MDL No. 1038 (E.D. of Texas).

5. Specifically, I served as lead counsel in the numerous lawsuits concerning dioxin contamination in Times Beach, Missouri and other locations. Notably, this litigation produced

the first Superfund class action ever certified. My firm has litigated this case in two different forums, California and Missouri. *Raymond F. Wehner, et al. v. Syntex Corporation and Syntex (U.S.A.) Inc.*, No. C-8520383(SW) (N.D. Cal.) (first certified Superfund class action); *Harold A. Andre, et al. v. Syntex Agribusiness, Inc., et al.*, Cause No. 832-05432 (Cir. Ct. of St. Louis, Mo.).

6. I am a member of the Trial and Discovery Committees in the *Exxon Valdez Oil Spill Litigation*, No. 89-095 (U.S.D.C. Ak.) In addition, I am lead counsel in the prosecution of individual fishing permit holders, native corporations, native villages, native claims and business claims.

7. I was class counsel in one of the first medical monitoring class actions in *In re Three Mile Island Litigation*, 87 F.R.D. 433 (M.D. Pa. 1980), and also in *In Re: Copley Pharm. Inc.*, 1 F.Supp.2d, 1407 (D. Wyo. 1988); *Wehner v. Syntex Agribusiness, et al*, Nos. 83-642c(2) (E.D. Mo) (Times Beach Dioxin); and 1407 (D.Wyo. 1988) *Jeffers v. American Home Products Corp.*, C.A. No. 98-CV-20626 (E.D.Pa.)(*In re Diet Drug Products Liability Litigation*, MDL 1203)(nationwide medical monitoring class).

8. Of particular relevance to the subject matter of this affidavit, is that I was appointed Chairman of the Plaintiff's Counsel Fee Allocations Committee in Diet Drugs and have been recently appointed to the Counsel Fee Allocation Committee in *In Re: VIOXX Litigation* where I was one of six court appointed counsel of Plaintiffs Negotiating Committee leading to the recent settlement.

9. In my 42 years of practicing law, I have either been lead counsel of and/or a member of in excess of 100 steering committees in the fields of mass torts, environmental antitrust, and securities class actions and MDL proceedings.

10. For the reasons stated below, it is my opinion that the fees and expenses requested in this case are within the range of reasonableness and should be approved. Due to my experience and familiarity with mass tort litigation and class actions, I am qualified to provide an opinion as to the reasonableness of attorneys' fees and expenses related to the prosecution of an environmental class action. I am thoroughly familiar with the usual and customary charges for legal services rendered by attorneys in complex civil litigation.

11. I have participated as counsel in numerous class actions and have testified as an expert witness on issues of class certification, the fairness and adequacy of class action settlements, and class counsel fees. I have provided expert testimony on class action issues in cases in both state and federal courts.

12. I have consulted with law firms on behalf of plaintiffs and defendants on issues relating to large-scale class action practice, including issues of certification, justiciability, removal, choice of law, attorneys' fees, and the fairness and adequacy of settlements. A particular area of interest has been the study of attorneys' fees in class action cases.

13. I write this Affidavit in support of class counsel's request for attorney's fees of 33 1/3 % plus costs of the fund created for the class, in the case subjudice.

FACTS RELIED UPON

13. This case was filed on June 15, 2004, on behalf of current property owners and former and current residents who live[d] near Defendant E. I. DuPont De Nemours and Company's ("DuPont") former zinc smelter in Harrison County, West Virginia. The case was removed to federal court and thereafter remanded back to state court. The second amended complaint alleged negligence and recklessness, negligence per se, public and private nuisance, trespass, strict liability and unjust enrichment; demanding damages including remediation,

medical monitoring and punitive damages.

14. This Court certified the class and appointed as class counsel the law firms of Levin, Papantonio, Thomas, Mitchell, Echsner & Proctor, P.A.; Cochran, Cherry, Givens, Smith, Lane & Taylor, P.A.; The Law Office of Gary W. Rich, L.C.; West and Jones, P.A. and Kennedy and Madonna, P.A. ("Class Counsel").

15. This case was intensively litigated for nearly four years. Hundreds of thousands of pages documents were produced by Defendants and reviewed by counsel. Third party subpoenas were served on multiple entities, resulting in the review of several thousand additional documents. Dozens of fact witnesses were deposed. Dozens of expert witnesses were disclosed and deposed, both prior and subsequent to class certification. Each of the ten named Plaintiffs gave two depositions. Discovery took place in more than a dozen states across the country including West Virginia, Delaware, Illinois, Florida, Pennsylvania, Massachusetts, Colorado, Louisiana, Alabama, Washington, Washington, D.C., Virginia, North Carolina and Georgia.

16. The parties briefed and argued numerous contested motions, including the motion for class certification and half a dozen motions to compel. Numerous hearings took place during the litigation, including a three-day class certification hearing wherein expert and fact testimony and evidence were presented by both Plaintiffs and Defendants – with many of the same aspects of a trial including exhibit lists, witness list, and pre-hearing motions. In addition to the Court's monthly status conference hearings, the parties filed numerous discovery-based motions requiring a dozen hearings before the discovery commissioner. DuPont also appealed two trial-level orders to the West Virginia Supreme Court – which while the writs ultimately were denied, required extensive pleadings by both Plaintiffs and Defendants.

17. The protracted litigation culminated in a five-week jury trial. Trial preparation of

a case of this magnitude requires, and in fact did, thousands of attorney hours. During the trial, class counsel prepared and presented four opening and four closing arguments; prepared and presented live fact and expert testimony; prepared and presented videotaped fact testimony; responded to nearly daily motions offered by the defendant DuPont; offered evidence in the form of documents, graphics, animations and video presentations. Furthermore, class counsel prepared cross-examinations for each of the 70+ individual fact witnesses identified by DuPont as well as each of the 12 expert witnesses disclosed by DuPont.

18. The risk undertaken by Plaintiffs' counsel in this case was and remains huge. Plaintiffs' counsel have collectively expended 30,000 hours in the last three years. The time spent by counsel is certainly reasonable given the sheer magnitude of this case, that it proceeded to verdict, and that counsel continues to work on post-trial motions to implement the remedies authorized by the jury.

19. Plaintiffs' counsel has advanced over \$8 million in out of pocket expenses, the large majority of which was expert fees. These figures are reasonable considering the experts performed multiple surveys, testing, and modeling, prepared expert reports both before and after class certification, were deposed twice, and testified at trial twice. The figures are also reasonable considering the number of years spent litigation the case, the bifurcated discovery, adversarial motion practice, class certification hearing, class notices, interlocutory appeals, trial, and post-trial matters.

20. Plaintiffs' counsel obtained noteworthy jury verdicts as well. The common fund is valued at approximately \$380 million, when considering \$130 million for medical monitoring, \$55 million for property remediation, and \$196 million in punitive damages. Of particular note, the class members will be able to participate in the tangible benefits-having their property

decontaminated and to participate in medical monitoring for the next 40 years. Although class members will receive some monetary compensation through punitive damages, it is the remediation and monitoring programs that will prove to be the most far-reaching and beneficial.

LEGAL BASIS FOR FEE OF 33% PLUS COSTS OF FUND CREATED

21. For more than a century, the Supreme Court has "recognized consistently that a litigant or a lawyer who recovers a common fund for the benefit of persons other than himself or his client is entitled to a reasonable attorney's fee from the fund as a whole." *Boeing Co v. Van Gemert*, 472, 478 (1980). See also *Alyeska Pipeline Serv. Co. v. Wilderness Soc.*, 421 U.S. 240, 257 (1975); *Mills v. Electric Auto-Lite Co.*, 396 U.S. 375, 393 (1970); *Sprague v. Ticonic Nat'l Bank*, 307 U.S. 161, 164-66 (1939); *Central R.R. & Banking Co. v. Pettus*, 113 U.S. 116, 123-27 (1885); *Trustees v. Greenough*, 105 U.S. 527, 532-37 (1882); *In re Cendant Corp. Litig.*, 264 F.3d 201, 256 (3rd Cir. 2001). This "common fund doctrine" is based on the inherent equitable powers of the federal courts to "prevent ... inequity by assessing attorney's fees against the entire fund, thus spreading fees proportionately among those benefitted by the suit." *Boeing*, 444 U.S. at 478. Accord, e.g., *Brytus v. Spang & Co.*, 203 F.3d 238, 242 (3rd Cir. 2000) (common fund doctrine "reflects the traditional practice in equity"). In *Blum v. Stenson*, 465 U.S. 886 (1984), the seminal footnote 16 states, "under the common fund doctrine...a reasonable fee is based on a percentage of the fund bestowed on the class...." *Id.* at 900 n.16. See also *Task Force Report*, 108 F.R.D. at 250-51 (discussing *Blum* footnote 16); *Camden I Condominium Ass'n, Inc. v. Dunkle*, 946 F.2d 768, 771 (11th Cir. 1991) (same); *In Re: Unisys Corp.*, 886 F. Supp. 445, 458 (E.D. Pa. 1995) ("The 1980s witnessed another major change in the determination of attorneys' fees in common fund cases. This change was sparked by...the Supreme Court in *Blum v. Stenson*....").

22. Consistent with this, the “percentage-of-recovery method...allow[s] courts to award fees from the fund ‘in a manner that rewards counsel for success and penalizes it for failure.’” *In Re: Cendant PRIDES Litig.*, 243 F.3d 722, 732 (3rd Cir. 2001), *quoting*, *Prudential Life Insurance Company American Sales Agent Practice Litigation Actions*, 148 F.3d 283, 333 (3rd Cir., 1998). Therefore, it “aligns the interests of counsel and class more closely than does the lodestar method.” *In re Ikon Office Solutions, Inc. Sec. Litig.*, 194 F.R.D. 166, 193 (E.D. Pa. 2000). *Accord*, e.g., Lapointe, 59 FORDHAM L. REV. at 866 (percentage approach succeeds in “aligning the interests of the attorney and the absent class members”); *Auction Houses*, 197 F.R.D. at 77 (“The percentage-of-recovery method...allows the attorney to share in both the upside and the downside risk of the litigation and thereby attempts to re-align the interests of plaintiffs and their attorney.”); *Democratic Cent. Comm. of D.C. v. Washington Metro. Area Transit Com’n*, 3 F.3d 1568, 1574 (D.C. Cir. 1993) (percentage-of-fund approach helps align interests of attorneys and clients more closely); *Lachance v. Harrington*, 965 F. Supp. 630, 647 (E.D. Pa. 1987). (percentage-of-recovery method thought to equate interests of class counsel with those of class members). It eliminates the disincentives to early settlement as well as the risk that class counsel will trade a lower recovery against payment for more hours created by the lodestar approach. *Gunter v. Ridgewood Energy Corp.*, 223 F.3d 190, 198 (3rd Cir. 2000) (“One purpose of the percentage method of awarding fees...is to encourage early settlements by not penalizing efficient counsel”); *Unisys*, 886 F. Supp. at 460 (use of the percentage approach offers the advantage of “removing the inducement to unnecessarily increase hours, prompting early settlement”); Lapointe, 59 FORDHAM L. REV. at 567 (“percentage approach creates a powerful incentive for the attorney to press for a larger recovery. At the same time, percentage fee arrangements do not penalize the attorney for an early settlement and may even reward an

efficient resolution.”). And it removes the considerable impetus for delay, inefficiency and “plodding mediocrity” which is engendered by the *Lindy* methodology. *Swedish Hospital Corp. v. Shalala*, 1 F.3d 1261, 1269 (Ca. D.C. 1993) (“if a percentage-of-the-fund calculation controls, inefficiently expended hours only serve to reduce the per hour compensation of the attorney expending them”); *Savoie v. Merchants Bank*, 166 F.3d 456, 460-61 (2nd Cir. 1999) (under POF method, plaintiffs’ lawyers have no incentive to run up billable hours); *J/H Real Estate, Inc. v. Abramson*, 951 F. Supp. 63, 64 (E.D. Pa. 1996) (under POF method, no advantage in prolonging case to enhance fee).

23. A percentage of fund recovery usually results in fees of 1/3 of the fund created. *In Re: Rite Aid Securities Litig.*, 146 F. Supp. 2d 706, 735 (E.D. Pa. 2001) (review of 289 settlements demonstrates “average attorney’s fees percentage [of] 31.71%” with a median value that “turns out to be one-third”); *Cullen v. Whitman Medical Corp.*, 197 F.R.D. at 136, 150 (E.D. Pa. 2000) (“award of one-third of the fund for attorneys’ fees is consistent with fee awards in a number of recent decisions within this district”); RECENT TRENDS IV: WHAT EXPLAINS FILINGS AND SETTLEMENTS IN SHAREHOLDER CLASS ACTIONS at pp. 12-13 (NERA 1996) (“Regardless of case size, fees average 32 percent of the settlement”); *Cullen.*, 197 F.R.D. at 150 (“the award of one-third of the fund for attorney’s fees is consistent with fee awards in a number of recent decisions within this district.”); *In re Value Vision Int’l Securities Litig.*, 957 F.Supp. 699, 700 (E.D. Pa. 1997) (34%); *In re Linerboard Antitrust Litig.*, MDL No. 1261, 2004 WL 1221350 (E.D. Pa. June 2, 2004) (DuBois, J.) (awarded 30% of the settlement fund); *In re ATI Technologies Inc. Sec. Litig.*, 2003 U.S. Dist. LEXIS 7062 (E.D. Pa. 2003) (30% of fund); *In re Greenwich Pharm. Sec. Litig.*, 1995 U.S. Dist. LEXIS 5717 (E.D. Pa. 1995) (33.35); *In re Cell Pathways Securities Litig. II*, 2002 U.S. Dist. LEXIS 18359 (E.D. Pa. 2002) (30% of fund);

Blackman v. O'Brien Envtl. Energy, Inc., 1999 U.S. Dist. LEXIS 7160 (E.D. Pa. 1999) (35%); *In re Ikon Offices Solutions Inc. Sec. Litig.*, 194 F.R.D. 166 (E.D. Pa. 2000) (30% of the settlement fund); *Ratner v. Bennett*, 1996 U.S. Dist. LEXIS 6259 (E.D. Pa. 1996) (35%).

EXPERIENCE OF PETITIONING FIRMS

24. Levin, Papantonio, Thomas, Mitchell, Eschner, Proctor, PA (Levin, Papantonio) has served on Plaintiffs' Steering Committee and Discovery Committee (Co-Chair) for the *In Re: Vioxx Products Liability Litigation*, MDL 1657; Plaintiffs' Steering Committee (Co-Chair), plaintiff's Law and Briefing Committee, and Science Committee and Discovery Committee for the *In Re: Zyprexa Products Liability Litigation*, MDL 1596; Member Plaintiff's Steering Committee and Discovery Committee (Co-Chair), *In Re: Bextra/Celebrex Litigation*, MDL 1699; Plaintiff's Co-Lead Counsel for the *In Re: Cisco Systems Securities Litigation*, MDL No. 1527; as Discovery Co-Chair for the *In Re: Accutane Products Liab. Litigation*, MDL No. 1626; as Discovery Co-Chair for the *In Re: Medtronic, Inc., Implantable Defibrillators Product Liab. Litigation*, MDL No. 1726; as a Member of the Plaintiffs Steering Committee for the *In Re: Guidant Corp. Implantable Defibrillators Product Liability Litigation*, MDL No. 1708; and the Discovery Committee for the *In Re: Phenylpropanolamine ("PPA") Product Liab. Litig.*, MDL No. 1407.

25. Levin, Papantonio attorneys have served on the Plaintiffs' Management Committee, Discovery Committee, and Expert Witness Committee for the *In Re: Diet Drugs Products Liability Litigation*, MDL No. 1203, as well as Plaintiffs' Steering Committee for the *In Re: Propulsid Products Liability Litigation*, MDL No. 1355. The firm was on the Plaintiffs' Steering Committee, and established and managed the document depository for the *In Re: Factor VIII or IX Concentrate Blood Products Litigation*, MDL No. 986. Mr. Papantonio was Florida

liaison counsel for the *In Re: Silicone Gel Breast Implant Litigation*, MDL 926. Firm attorneys likewise served on the Plaintiffs' Steering Committee, Discovery Committee (Co-Chair) and Science Committee for the *In Re: Rezulin Products Liability Litigation*, MDL 1348.

26. The firm has been actively involved in several other mass torts and class actions, including litigation involving L-Tryptophan, Dalkon Shield, The Amtrak Derailment (*In Re: Amtrak A Sunset Limited Train Crash in Bayou Canot, Alabama, on September 22, 1993*, MDL No. 1003), Microsoft (*In Re: Microsoft Corp. Antitrust Litigation*, MDL No. 1332), AOL (*In Re: America Online, Inc., Version 5.0 Software Litigation*, MDL No. 1341), MCI (*In Re: MCI Non-Subscriber Telephone Rates Litigation*, MDL No. 1275), *Florida Tobacco Litigation*, Insurance, and other discrimination and consumer fraud class actions. Also of note, firm attorneys currently serve Plaintiffs Steering Committee and Trial Committee (Co-Chair) of the *In Re: High Sulfur Content Gasoline Products Liability Litigation*, MDL 1632.

27. The Cochran Firm has established itself as one of the premier plaintiffs' litigation firms in the United States. The Cochran Firm has some of the most highly-experienced and respected men and women dedicated to bringing quality representation for injured people, their families, and the ordinary citizen.

28. The Cochran Firm has been named to The National Law Journal's Plaintiffs' Hot List, The Cochran Firm has been profiled as one of America's top plaintiffs' law firms. The Hot List is a compendium of the country's top 12 plaintiffs' law firms doing the "most to shape the law in America." In 2005, The Cochran Firm was named to The NLJ 250 list, The National Law Journal's survey of the largest law firms in America. Notably, The Cochran Firm held the exclusive position of appearing concurrently on both of these celebrated lists.

29. Law Offices of Kennedy & Madonna, West & Jones and Gary W. Rich, LLC are

experienced law firms, and they have represented other injured individuals and participated in lengthy litigation.

30. The Law Office of Gary W. Rich, L.C., is located in Morgantown, West Virginia. Attorney Rich is a former US diplomat and spent some fourteen years abroad in the Middle East, Europe and Asia. He limits his firm's legal practice to immigration and environmental issues. In addition to *Perrine, et al. v. E. I. DuPont, et al.*, Attorney Rich's firm has been involved with two other significant environmental cases, both dealing with the exposure of thousands of employees to contamination in the workplace."

OPINION

31. I have been asked to offer an opinion as to the appropriate award for a fee petition in the above matter. My opinion, to a reasonable degree of legal certainty, is that 33 1/3% plus reimbursement of costs in this common fund case is an appropriate award to class counsel in a class action of this magnitude.

32. Class counsel in this case are experienced and well respected in the prosecution of environmental and class action litigation. Thus, based on their experience and their successful efforts in creating its common fund through jury verdicts, class counsel has done an exemplary job in this litigation.

33. Class counsel has expended over \$8 million in expenses. A large majority of which was for expert fees.

34. Counsel has worked over 30,000 hours in the last three years on this case. All work performed by class was done on a contingency basis.

35. Plaintiffs petitioning firms were courageous in undertaking this litigation, which caused out of pocket expenditures of \$8 million and 30,000 hours of attorney time. Litigation of

this nature is not for the faint of heart.

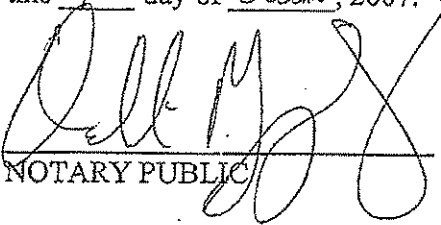
36. Based upon their experience and work they performed on a contingency fee basis, I would respectfully recommend that this Court award fees in the amount 1/3 plus reimbursement of costs. Such an award is fair, reasonable and adequate.

37. I make these opinions to a reasonable degree of legal certainty.



ARNOLD LEVIN

Sworn to and Subscribed before me
this 4th day of December, 2007.


NOTARY PUBLIC

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Debbie Anne Murphy, Notary Public
City Of Philadelphia, Philadelphia County
My Commission Expires Jan. 27, 2010
Member, Pennsylvania Association of Notaries

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JOSEPH BRADSHAW, individuals residing in West Virginia,
on behalf of themselves and all others similarly situated,

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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.

AFFIDAVIT OF RICHARD S. LEWIS

DISTRICT OF COLUMBIA)

Before me, the undersigned Notary Public, in and for said District, appeared this day
RICHARD S. LEWIS, who, after being duly sworn on oath, says that the following information
is true and correct according to Affiant's best knowledge and belief:

Background, Qualifications and Opinion of Richard S. Lewis

1. I am a partner at the law firm of Cohen Milstein Hausfeld & Toll. I hold a Master's
degree in Public Health from the University of Michigan (1981) and a law degree from

the University of Pennsylvania (1986). I am admitted to practice in the District of Columbia. After working as a federal law clerk, I joined the law firm of Cohen Milstein in 1987, and I currently serve as the head of the Unsafe Drugs & Environmental Health Threats practice group for both domestic and international matters.

2. My focus on environmental health threats had led to my involvement in complex mass tort and class action cases. I have been appointed to serve as co-lead counsel in mass tort and class action cases including *In re StarLink Corn Products* (N.D. Ill) (settlement of \$110 million) and *In re PPA* (asserting claims by users of unsafe over-the-counter medicines). I have also been appointed to the MDL Steering Committee in *In re Prempro Products Liability Litigation* (E.D. Ark.).
3. In addition, I have served as lead counsel in numerous actions to obtain medical monitoring relief for communities exposed to toxic chemicals from hazardous waste disposal practices or unsafe drugs. These include *In re Diet Drug Litigation* (Fen-Phen) (E.D. Pa), which resulted in a \$4 billion settlement providing medical monitoring in addition to individual personal injury awards in the hundreds of thousands of dollars, and *Harman v. Lipari*, a Superfund case that resulted in a settlement providing medical monitoring for thousands of residents who lived on or played near a landfill. I have litigated both individual and class childhood lead poisoning cases. I have also handled mass tort cases involving Diet Drugs, Vioxx, Hormone Therapy, and environmental cases involving chemical contamination in Bhopal, India.
4. Our practice group at Cohen Milstein has handled some of the most important environmental cases in recent times involving severe environmental damage caused by large corporations. Cohen Milstein was lead counsel against Exxon after the Valdez

incident, representing the entire Alaskan Native fisherman class and working with indigenous Alaskans for over 5 1/2 years to win the judgment in that matter, which was the largest in history for punitive damages. Cohen Milstein also joined with the City of Milwaukee to sue the makers of lead pigment used in lead paint that present lead poisoning hazards to children and costly clean ups for municipalities. I am presently lead counsel in the case against the lead pigment industry, *City of Milwaukee v. NL Industries, Inc.*, in which we were successful in upholding the right of the city to maintain a suit for the public nuisance created by the lead pigment manufacturers, including NL Industries (also known as the National Lead Company).

5. Litigating environmental cases on a class-wide basis demands expertise in complex scientific issues and medical causation. Our practice group has prevailed in matters involving lead poisoning, chemical poisoning, and air and groundwater pollution. In addition to the landmark lead paint and Valdez cases, we have:

- Secured a real estate protection program from oil companies for damages caused by leaking storage tanks in the Mantua section of Fairfax, Virginia;
- Recovered monetary damages for 82 children, teenagers and young adults who suffered lead poisoning caused by exposure to lead wastes from a lead smelter in their low-income neighborhood in Portsmouth, VA;
- Broadened the rights of property owners damaged by pollution in Ohio living near a toxic landfill;
- Reached settlement with Hughes Aircraft for both monetary damages and a medical monitoring program for residents of Tucson whose drinking water was contaminated by TCE (trichloroethane) dumped by Hughes;

- Obtained a medical monitoring fund on behalf of people who lived and played near the Lipari Landfill in New Jersey;
 - Secured a settlement of \$110 million for U.S. corn farmers whose corn crops were devalued as a result of the Starlink corn contamination incident.
6. In addition to the cases cited above, I have litigated several other environmental tort cases pertaining to heavy metal smelter emissions, groundwater and drinking water contamination, and hazardous air emissions. These cases required scientific investigations into establishing causation for lead poisoning, cancer, birth defects, lung disorders, and neurological disorders.
7. Due to my experience and familiarity with environmental litigation and class actions, I am qualified to provide an opinion as to the reasonableness of attorney time and expenses related to the prosecution of an environmental class action. I am also familiar with the usual and customary charges for legal services rendered by attorneys in complex civil litigation.
8. I have been asked to provide an opinion relevant to the appropriate award of attorneys' fees and expenses in the above captioned matter. Based upon a review of time records and selective pleadings, order and discovery, I am familiar with the legal services rendered by the attorneys for Plaintiffs in the above-styled case.
9. Plaintiffs' counsel has obtained an extraordinary result in a high risk, difficult case; which merits a substantial fee, if not an extraordinary fee. I believe an award of the fees and expenses requested by Plaintiffs' Class Counsel in its Petition for Approval of Attorneys' Fees and Litigation Expenses are reasonable and in line with customary awards for the work performed. Petitioners took this case on a contingency fee basis and,

in doing so, took a substantial risk. The magnitude of the undertaking, the resources devoted to the cause, the risks involved, and the results obtained for the class justify an award of attorneys' fees in the range of 33 1/3% and a reimbursement of expenses incurred to litigate the case which have been documented.

Facts Relied Upon in Reaching Opinion

10. I have reviewed a number of selected pleadings, expert reports, and discovery orders to familiarize myself with the work performed by the attorneys for Plaintiffs in this action. A list of the documents I have reviewed to support this affidavit is attached hereto as Exhibit A.
11. This case was filed on June 15, 2004, on behalf of a class of property owners and residents who had been exposed to toxic substances emitted from the Spelter smelter. The case was removed to federal court and thereafter remanded back to state court. The first amended complaint alleged trespass, private nuisance, unjust enrichment, strict liability, and negligence, and it demanded medical monitoring, property remediation and punitive damages.
12. After class discovery and a hearing, the class was certified in the fall of 2006. Fact discovery then commenced.
13. This case was intensively litigated. DuPont employed several different law firms to defend it over the course of the litigation. Additionally, defendants T.L. Diamond and Nuzum Trucking were separately defended by other law firms.
14. Thousands of documents were produced by defendants and reviewed by counsel, and thousands of others documents were obtained from third-parties, such as the EPA and third-party contractors who performed remediation work on behalf of DuPont and T.L.

Diamond. Document production was not confined to simply request and receiving documents.

15. There were approximately 80 depositions, including the named plaintiffs. Some of the depositions lasted two days and some involved complex, scientific topics.
16. The discovery in this case appears to have been characterized by protracted motion practice and motions to compel, as evidenced by the many orders of the Discovery Commissioner.
17. Because of the complex subject matter, Plaintiffs' counsel built a team of scientists with expertise in geochemistry, soil science and remediation, the fate and transport of contaminants, medical risk assessment, medical monitoring, assessing the value of contaminated properties, and assessing the cost of medical monitoring. Plaintiffs' counsel worked closely with this team of experts both before and after suit was filed. It is extremely difficult and expensive to assemble these types of experts and consultants. Furthermore, in this case, Plaintiffs' experts conducted their own environmental testing which is extremely expensive, but necessary to prove scientific facts. It is often the case that neither the defendant companies nor the regulatory authorities perform this testing, so the burden falls on the Plaintiff. To rebut Plaintiffs' experts, DuPont disclosed eleven experts as retained, testifying experts. Although all eleven experts did not ultimately testify at trial, Plaintiffs' counsel would necessarily have spent numerous days and time consulting with experts in order to prepare for cross-examination of the experts at both deposition and trial.
18. During discovery, DuPont twice appealed issues with the Supreme Court and Plaintiffs' counsel defended against the appeals and ultimately prevailed.

19. Aside from discovery issues, other motion practice was also extensive. DuPont filed a number of dispositive motions and nearly 19 motions in limine..
20. Also noteworthy is Plaintiffs' settlement with Defendant T.L. Diamond. Diamond, with relatively few resources, agreed to stop defending the case in return for the assignment of any indemnity agreements Diamond had with DuPont. In this way, Plaintiffs were able to ensure that should Diamond (rather than DuPont) be assigned liability, Plaintiffs would ultimately be able to recover through the indemnification agreement.
21. Unlike most class actions, this case proceeded through trial. Furthermore, the trial was conducted in four phases. The trial itself took six weeks. The number of hours in attorney time and expert expenses go up exponentially in preparing for and conducting a lengthy trial.
22. The risk undertaken by Plaintiffs' counsel in this case was and remains huge. The time spent by counsel is certainly reasonable given the complex scientific issues and magnitude of this case. Counsel continues to work on post-trial motions to implement the remedies authorized by the jury.
23. Plaintiffs' counsel has advanced a little under \$8 million in expenses, the large majority of which was expert fees. As noted above, here the Plaintiff experts conducted their own scientific measurements of the environmental pollution. This activity is extraordinarily expensive and often necessitated by the fact that neither the defendant companies nor the regulatory agencies conduct the necessary testing. These cost figures are reasonable considering the experts performed multiple surveys, testing, and modeling, prepared expert reports both before and after class certification, were deposed twice, and testified at trial twice.

24. Plaintiffs' counsel obtained noteworthy jury verdicts and substantial benefit for the class.

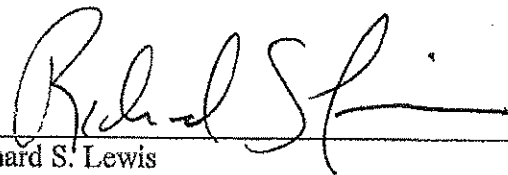
The class members will be able to participate in the tangible benefits—having their property decontaminated and participating in medical monitoring program. The remediation and monitoring programs will provide long term health and environmental benefits to the class.

Fee Opinion

25. It is my opinion that attorneys' fees in the range of one-third of the common fund in this action is appropriate.

26. Class counsel nearly always litigate their cases on a contingent basis, advancing litigation expenses and bearing the opportunity costs of devoting time and resources to the class case at the expense of other endeavors.

27. In the instant action, no one could reasonably expect any of the class representatives or members to bear the costs associated with this litigation. The plaintiffs and the class would not likely have been able to afford to prosecute this case unless it was handled on a contingent basis.



Richard S. Lewis

**COHEN, MILSTEIN, HAUSFELD & TOLL,
P.L.L.C.**

1100 New York Avenue, N.W.

Suite 500, West Tower

Washington, DC 20005

Phone: (202) 408-4600

Sworn to and subscribed before me on this the 7th day of December, 2007.

(SEAL)

Stephanie A. Hofinger

Notary Public

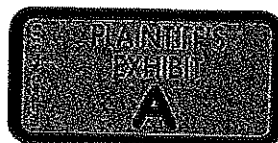
My Commission Expires: 6/30/11

STEPHANIE A. HOFINGER
NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires May 31, 2011

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**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.

AFFIDAVIT OF RHON E. JONES

STATE OF ALABAMA)
)
COUNTY OF MONTGOMERY)

Before me, the undersigned Notary Public, in and for said State, appeared this day RHON E. JONES, who, after being duly sworn on oath, says that the following information is true and correct according to Affiant's best knowledge and belief:

Background, Qualifications, and Opinions of RHON JONES

1. I reside in Montgomery, Alabama. I am forty-three (43) years of age and have been a licensed, practicing attorney in Alabama since September 1990. I am licensed to practice

before the United State Supreme Court, the Alabama Supreme Court, the United States District Court for the Northern District of Alabama, the United States District Court for the Middle District of Alabama, and the United States District Court for the Southern District of Alabama.

2. Upon graduating from law school from the University of Alabama in 1990, I clerked for U.S. District Judge Robert Varner. I then joined the law firm of Starnes & Atchison in Birmingham, Alabama. I practiced with that firm for approximately two (2) years. Since then, I have practiced continuously with the law firm of Beasley, Allen, Crow, Methvin, Portis & Miles, P.C., in Montgomery, Alabama.
3. The primary focus in my practice is on toxic tort and business litigation, which has led to my involvement in a number of class action and/or mass action cases. Such cases include: Alice Jackson, et al. v. McWane, Inc., Civil Action No. CV-04-3416 (Circuit Ct., Jefferson County, Alabama); Action Marine, et al. v. Continental Carbon Company, et al., Civil Action No. 3:01CV-994-F (U.S. Dist. Ct., M.D.Ala.); Four Way Plant Farm, Inc., et al. v. NCCI, et al., Civil Action No. 94-82 (Circuit Ct., Bullock County, Alabama); Catherine Harris, et al. v. Wayne Farms, L.L.C., et al., Civil Action No. 2000-102.80 (Circuit Ct., Bullock County, Alabama); Antonia Tolbert, et al. v. Monsanto Company, et al., Civil Action No. CV-01-C-1407-S (U.S. Dist. Ct., N.D.Ala.); Richard Rowe, et al. v. Du Pont De Nemours and Company, Civil Action No. 1:06-CV-01810-RBK-AMD (U.S. Dist. Ct., D.N.J.); Rollins v. E. I. Du Pont De Nemours and Company, Civil Action No. CIV-07-117-C (U.S. Dist. Ct., W.D.Okla.) (transferred to MDL proceeding in S.D.Iowa); Richards v. Lesaffre Yeast Corporation, et al., Civil Action No. 1:07-CV-163-MEF (U.S. Dist. Ct., M.D.Ala.); and Sundy v. Renewable Environmental

Solutions, L.L.C., et al., Civil Action No. 07AP-CC00089 (Circuit Ct., Jasper County, Missouri).

4. Based upon my experience and familiarity with complex environmental litigation, I am qualified to provide an opinion as to the reasonableness of attorneys' fees and expenses related to the prosecution of an environmental class action. I am thoroughly familiar with the usual and customary charges for legal services rendered by attorneys in complex civil litigation.
5. I have been asked to provide an opinion as to the appropriate award of attorneys' fees and expenses in the above-captioned matter. Based upon a review of time records and selected pleadings, orders, and discovery, I am familiar with the legal services rendered by the attorneys for Plaintiffs in the above-styled case.
6. I write this affidavit in support of class counsel's request for attorney's fees of 33 1/3 % plus costs of the fund created for the class in the case.

Facts Relied Upon in Reaching Opinions

7. In addition to talking with Plaintiffs' counsel, I have reviewed a number of selected pleadings, expert reports, and discovery orders to familiarize myself with the work performed by the attorneys for Plaintiffs in this action. A list of the documents I have reviewed to support this affidavit is attached hereto as Exhibit A.
8. Although this action was filed in June 2004, the work on the case began long before that time, with class counsel contracting with a number of experts in various fields to test for and confirm the existence of contamination from the smelter. The work of Plaintiffs' counsel with their coalition of experts highlights the highly technical, scientific nature of this action.

9. After the action was filed, plaintiffs' counsel faced multiple defense firms (7) who were hired by Defendant DuPont (and additional defense firms for the other defendants in the action). These multiple defense firms employed a number of defense strategies with the purpose and/or effect of shopping for a perceived more favorable forum, impeding discovery on both class and merits issues, interfering with and slowing Plaintiffs' preparation of their case for class certification and on the merits, multiplying the time and expense incurred by Plaintiffs' counsel at each stage of the proceedings as part of an apparent war of attrition, and delaying the ultimate resolution of these claims on the merits and any remedy. . These defense strategies included, but were not limited to, removing the action to federal court (based on the federal officer doctrine), asserting and litigating privilege and work product claims for numerous discovery documents, delaying production of documents, producing heavily redacted documents, seeking protective orders to prevent the depositions of various witnesses, dumping literally thousands of documents on plaintiffs' counsel on the eve of depositions and the class certification hearing, and attempting to strike plaintiffs' experts testimony—all before the class had been certified. DuPont appears to have continued these same tactics after class certification and throughout trial, even waiting to produce documents until the jury was considering whether to award punitive damages. It is my understanding that a motion for sanctions against DuPont is currently pending concerning the last production. The Orders I have reviewed reflect protracted discovery battles requiring repeated motions and numerous hearings.

10. The parties also took dozens of video depositions (approximately 80) for both discovery and trial purposes. Preparation for these depositions would have been document and time intensive, requiring days of advance preparation for each deposition.
11. Perhaps the most difficult and complex aspect of this case, however, was the scientific knowledge required to review discovery documents and expert reports and to depose both lay and expert witnesses. As referenced above, Plaintiffs' counsel gathered a team of scientists with expertise in: geochemistry, soil science and remediation, the fate and transport of contaminants, medical risk assessment, medical monitoring, assessing and determining the reduction in the value of contaminated properties, and assessing the cost of medical monitoring. To rebut Plaintiffs' experts, DuPont disclosed eleven experts as retained, testifying experts. Although all eleven experts did not ultimately testify at trial, Plaintiffs' counsel still expended numerous hours (literally days) reviewing the experts' reports, sifting through references contained in the reports, and combing through the background and previous opinions of each of these experts, all of which was reasonably necessary for Plaintiffs' counsel to prepare to examine DuPont's experts.
12. Ultimately, Plaintiffs' counsel were successful in obtaining hundreds of thousands of pages of documents from the defendants as well as third parties, such as the EPA, the West Virginia Department of Environmental Protection, third-party contractors who had previously worked with the Defendants, and even a DuPont museum. In addition, a case of this magnitude requires substantial document management through the use of document software that will allow counsel to review and code the documents. Although this is a time-intensive task, it is the only reasonable way to corral and access such a

sizeable number of documents. Plaintiffs' counsel did exactly that with the assistance of software designed for this task.

13. Before ever reaching trial, Plaintiffs' counsel were also forced to engage twice in appellate practice, responding to DuPont's appeal on a discovery issue as well as DuPont's untimely attack on class certification. Unlike DuPont, Plaintiffs' counsel did not engage separate appellate counsel to assist in responding to these interlocutory appeals. Plaintiffs' counsel were successful in fending off DuPont's appellate attacks both times.
14. Motion practice in this case also appears to have been extensive through both class certification and trial, spanning, among others, motions in limine, belated motions to dismiss, motions for summary judgment, and *Daubert* motions. Remarkably, in addition to responding to and successfully overcoming most of the defendants' summary judgment motions, Plaintiffs' counsel also filed and prevailed on two of their own summary judgment motions. The motion practice did not stop with the commencement of trial. Plaintiffs' counsel were greeted nearly every day of trial with another written motion to which they had to respond while also continuing to try their case.
15. After the class certification hearing and additional protracted discovery, Plaintiffs' counsel engineered a settlement with the only other viable defendant in this action. The settlement was an innovative means for Plaintiffs' counsel not only to eliminate the continued participation and defense by a potentially sympathetic defendant (T.L. Diamond) with few resources, but also to ensure that any judgment against defendant T.L. Diamond would be collectible and/or recouped through the indemnity agreement

that Plaintiffs' counsel successfully pursued. This ensured that if the jury were to put all liability on T.L. Diamond, plaintiffs still would be able to collect a judgment.

16. The trial of this matter was divided into four phases, with each phase requiring, to some degree, a different knowledge base. Trial lasted six weeks (September 10 through October 19).

17. The risk undertaken by Plaintiffs' counsel in this case was and remains enormous.

As outlined in Exhibit B, attached hereto, Plaintiffs' counsel have expended 30,000 hours in the last three years. This number of hours is well within reasonable limits in light of the size and complexity of the case, its value, the results actually obtained, and the procedural posture of the case (i.e., tried to judgment).

18. Plaintiffs' counsel have advanced (with no guarantee of repayment) a little under \$8 million in expenses, the bulk of which was expert fees. See Exhibit C. Again, these figures are reasonable given the highly technical, scientific nature of the evidence, the years spent prosecuting this matter, bifurcated discovery, motion practice, class certification hearing, class notices, interlocutory appellate practice, and trial.

19. Plaintiffs' counsel achieved remarkable results at trial, with the judgment valued at approximately \$381,729,343.96.¹ Furthermore, the judgment will be far-reaching, reflecting very tangible results for the class—with the sources of remaining pollution from the smelter removed and medical monitoring being offered to class members.

20. Although most class actions settle well before trial, this matter was tried to conclusion. Even now, plaintiffs' counsel are continuing to work to implement the property remediation and medical monitoring programs sought by the class and ordered by the

jury. Unlike many class action settlements, these equitable programs will have far-reaching, lasting benefits to the community.

Fee Opinion

21. An Attorneys' fee of one-third of the common fund in this action (i.e., one-third of the value of the judgment) is appropriate. Where a common fund has been generated on behalf of a class through a settlement or judgment, class counsel's fees are paid from the common fund. Typically, the percentage method is used to determine the allocation of attorneys' fees from the common fund. *Manual for Complex Litigation* § 14.121 (4th ed.2004) ("the vast majority of courts of appeals . . . permit or direct district courts to use the percentage-fee method in common-fund case").
22. Class counsel nearly always litigate their cases on a contingent basis, covering the expenses and costs of litigation and bearing the opportunity costs of expending their efforts on the class case rather than on other potentially remunerative activities. If the litigation is unsuccessful, counsel receive no reimbursement for these outlays.
23. The present case is no exception. There was no practical way for class counsel to mitigate the risk of nonpayment. No individual class representative could pay counsel fees in the event the case was unsuccessful, because he or she would thereby be advancing large amounts of money in return for only a relatively small potential recovery.

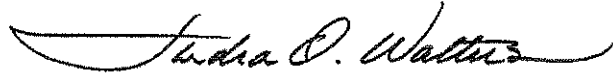
¹ Plaintiffs were successful in obtaining a medical monitoring program which, if accepted by the Court, is valued at approximately \$129,991,821.71. Additionally, Plaintiffs obtained \$55,537,522.25 for property remediation and \$196,200,000 for punitive damages.

24. Accordingly, given the complexity of the action, the risks undertaken by plaintiffs' counsel, and the results of this action, an attorneys' fee in the amount of one-third of the total value of the recovery is a reasonable fee.



RHON E. JONES
Beasley, Allen, Crow, Methvin,
Portis & Miles, P.C.
Post Office Box 4160
Montgomery, Alabama 36103-4160
334-269-2343
334-954-7555 (fax)
rhon.jones@beasleyallen.com

Sworn to and subscribed before me on this the 10 day of December, 2007.



Notary Public
My Commission Expires: 10-27-09

(SEAL)

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AMENDED SPELTER CASE TIME

Hours

Cochran, Cherry, Givens, Smith Total **9922.35**

Attorneys

-	J. Farrest Taylor	2855.62
-	Angela J. Mason	2212.22
-	Joseph D. Lane	1141.18
-	J. Keith Givens	1115.26
-	Jake A. Norton	428.90
	Total	7753.18

Staff

-	Christian Campbell	558.50
-	Shanna Conrad	283.70
-	Judi Cassidy	279.57
-	J. Heath Loftin	263.50
-	Lara Eccles	155.20
-	Wesley Fain	150.60
-	Alexis Armstrong	145.90
-	Ashley Adderhold	117.20
-	Haley Starling	75.50
-	Cara Morales	60.25
-	Connie Melton	51.00
-	Jenny Stripling	22.00
-	Tessie Steverson	6.25
	Total	2169.17

Levin, Papantonio, Thomas, Mitchell Total **35,279.12**

Attorneys

-	Steve Medina	6,660.30
-	Ned McWilliams	6,120.50
-	Mike Papantonio	2,163.80
-	Mark Proctor	1,112.00
-	Virginia Buchanan	3,318.00
-	Amanda Slevinski	1,659.00
-	Brian Barr	601.00
-	Larry Morris	215.00
-	Clay Mitchell	156.00
	Total	22005.60



Staff

-	Nathan Bess	1429.50
-	Karla Shivers	5,114.00
-	Rita Lee	1,628.00
-	Carol Moore	5,102.02
	Total	13273.52

Law Office of Gary W. Rich Total **2792.10**

-	Gary Rich	1843
-	Deanna Pennington	28.5
-	Clayton W. Patterson	12.4
-	Staff	908.20

West & Jones Total **1160.40**

Attorneys

-	Jerald E. Jones	74.5
-	Perry B. Jones	1085.90

Kennedy & Madonna Total **1238.20**

-	Kevin Madonna	828.10
-	Robert Kennedy, Jr.	218.50
-	Daniel Estrin	191.60

TOTAL HOURS **50,392.17**

AMENDED SPELTER CASE EXPENSES

Communication Costs Total **\$16,154.14**

CCGS	
- Via Telephone	\$106.38
- Via Facsimile	\$313.00
Levin Firm	\$15,734.76
Gary Rich	\$0
West & Jones	\$0
Kennedy & Madonna	\$0

Outside Litigation Support Total **\$115,983.71**

CCGS	\$64,926.15
Levin Firm	\$51,057.56
Gary Rich	\$0
West & Jones	\$0
Kennedy & Madonna	\$0

Copies **\$334,343.05**

CCGS	
- Color Copies	\$3,475.00
- B/W Copies	\$123,101.46
Levin Firm	\$207,117.81
Gary Rich	\$648.78
West & Jones	
- Photocopies/Fax	\$5,180.64
Kennedy & Madonna	\$0

Court Reporting Total **\$344,968.99**

CCGS	\$251,992.86
Levin Firm	\$92,976.13
Gary Rich	\$0
West & Jones	\$0
Kennedy & Madonna	\$0

Court Costs/Filing Fees Total **\$57,788.46**

CCGS	\$47,509.80
Levin Firm	\$8,696.83
Gary Rich	\$921.83
West & Jones	\$0
Kennedy & Madonna	\$660.00



Experts Total**\$4,883,441.65****CCGS**

-	Analytics, Inc.	\$42,772.14
-	Disposal Safety Inc.	\$250,878.68
-	Economic Geographics	\$32,041.00
-	EH&E	\$545,580.64
-	George Flowers	\$51,480.88
-	Greenfield Advisors	\$1,063,280.92
-	IOEH	\$39,681.80
-	Michael Brookshire	\$61,202.54
-	Severn Trent Laboratories	\$7,976.00
-	SI Group	\$672,742.20

Levin Firm

-	Disposal Safety Inc.	\$94,817.47
-	Economic Geographics	\$12,640.00
-	EH&E	\$310,775.62
-	George Flowers	\$318,381.31
-	Greenfield Advisors	\$155,404.65
-	WVU Medical Corp	\$2,500.00
-	SI Group	\$485,000.64
-	COHBI Physicians	\$564,230.05
-	Rock Wilson	\$18,870.60
-	Greenleaf Surveying	\$10,098.37
-	Metro Market Trends	\$43,953.14
-	Severn Trent Lab	\$99,133.00

Gary Rich \$0

West & Jones \$0

Kennedy & Madonna \$0

Consulting Services Total**\$155,033.12****CCGS**

-	SWAPE	\$52,994.32
-	James Dahlgren Medical	\$3,452.50
-	Toxicology, Inc.	\$13,600.00

Levin Firm

-	Toxicology, Inc.	\$84,306.30
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Gary Rich

-	Goodman Advocacy	\$680.00
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West & Jones \$

Kennedy & Madonna \$

Investigative Fees Total**\$1,673.65**

CCGS	\$1,673.65
Levin Firm	\$
Gary Rich	\$0
West & Jones	\$0
Kennedy & Madonna	\$0

Miscellaneous Total**\$235,938.53**

CCGS	
- Supplies, etc.	\$15,162.25
Levin Firm	
- Supplies, etc.	\$18,920.87
- Trial Production	\$200,278.16
Gary Rich	
- Process Service	\$1,113.55
- Supplies	\$184.87
- Facility Rental	\$90.00
West & Jones	
- Process Service	\$60.00
Kennedy & Madonna	
- Document Expense	\$129.00

Photographs Total**\$79.29**

CCGS	\$79.29
Levin Firm	\$0
Gary Rich	\$0
West & Jones	\$0
Kennedy & Madonna	\$0

Postage Total**\$101,170.33**

CCGS	
- Regular Mail	\$471.03
- Express Mail	\$26,417.88
Levin Firm	\$72,081.41
Gary Rich	
- Regular Mail	\$269.71
- Express Mail	\$1,327.01
West & Jones	\$534.13
Kennedy & Madonna	\$69.16

<u>Publication Costs Total</u>		\$90,977.04
CCGS	\$88,819.25	
Levin Firm	\$	
Gary Rich	\$2,157.79	
West & Jones	\$0	
Kennedy & Madonna	\$0	

<u>Research Total</u>		\$85,148.66
CCGS	\$55,876.57	
Levin Firm	\$29,272.09	
Gary Rich	\$0	
West & Jones	\$0	
Kennedy & Madonna	\$0	

<u>Travel Total</u>		\$897,052.89
CCGS	\$302,112.94	
Levin Firm	\$594,939.95	
Gary Rich	\$6,812.36	
West & Jones	\$1,255.88	
Kennedy & Madonna	\$26,834.56	

<u>Interest Total</u>		\$584,893.14
CCGS	\$302,636.32	
Levin Firm	\$282,256.82	

GRAND TOTAL \$7,904,646.65