

IN THE CIRCUIT COURT OF WOOD COUNTY, WEST VIRGINIA

JACK W. LEACH, et al.,

Plaintiffs,

v.

CIVIL ACTION NO. 01-C-608

E. I. DU PONT DE NEMOURS AND COMPANY,

Defendant.

**NOTICE OF COUNSEL ATTENDANCE:**  
**COURT COURTESY MEETING WITH SCIENCE PANEL**

Plaintiffs' counsel, hereby notifies the Court and counsel that an attorney for plaintiffs will attend the January 12, 2009, 10:00 AM appointment heretofore informally scheduled for purposes of a courtesy meeting between the court and the court-approved science panelists (science panelists designated at the final settlement conference before this court on February 28, 2005). The notice of courtesy meeting was received by all parties on November 26, 2008.<sup>1</sup>

The November 26, 2008 notice of the meeting, submitted by science panelist Tony Fletcher, states the understanding of the science panel that the judge will have opportunity at the meeting to raise any questions or observations that the judge may have at that time. In that regard, the plaintiffs understand that the science panel may raise issues regarding the nature of their obligations to the court and the parties as specifically outlined in the settlement

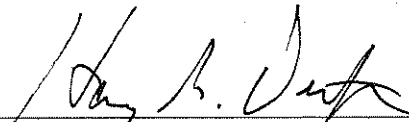
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<sup>1</sup>Panelist Fletcher's e-mail giving the parties notice of the science panel's proposed meeting with the court is attached, Exhibit 1

agreement,<sup>2</sup> <sup>3</sup> the transcript of proceedings in this court February 28, 2005,<sup>4</sup> the “Order Approving Final Settlement and Notice Plan and For Entry of Final Judgment”,<sup>5</sup> and the contract of employment between the panelists and the court appointed administrator.<sup>6</sup> <sup>7</sup> Also, the plaintiffs understand that the science panel may brief the court regarding its progress to date.<sup>8</sup>

Based on discussions with the science panel and opposing counsel, it is plaintiffs understanding that there are no objections to the proposed meeting, and further that the parties endorse and approve the meeting. However, due to the fact that matters in controversy between the parties may arise during those discussions, an attorney for the plaintiffs will be present to monitor the discussions and respond on behalf of the plaintiffs if requested.

**JACK W. LEACH, et al.,**  
By Counsel



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Harry G. Deitzler (WVSB #981)  
R. Edison Hill (WVSB #1734)  
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NorthGate Business Park  
500 Tracy Way  
Charleston, WV 25311-1261  
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<sup>2</sup>Settlement Agreement, attached Exhibit 2.

<sup>3</sup>The settlement agreement defines “probable link” in the context of Bower v. Westinghouse Elec. Corp. 206 W.Va. 133, 522 S.E.2d 424. W.Va.,1999, attached Exhibit 3.

<sup>4</sup>Final hearing transcript of proceedings, February 28, 2005, attached Exhibit 4.

<sup>5</sup>Final Order, attached Exhibit 5.

<sup>6</sup>Science panel initial contract, attached Exhibit 6.

<sup>7</sup>Amendment A to science panel initial contract, attached Exhibit 7

<sup>8</sup>Science panel quarterly reports, attached Exhibit 8.

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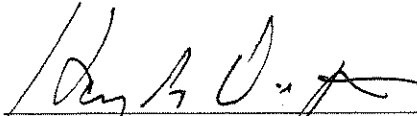
**CERTIFICATE OF SERVICE**

I, Harry G. Deitzler, counsel for plaintiffs, hereby certify that I have served the foregoing "Notice of Counsel Attendance: Court Courtesy Meeting with Science Panel"<sup>9</sup> upon defense counsel of record via fax this 7<sup>th</sup> day of January, 2009 as follows:

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<sup>9</sup>Attachments were not served along with the notice inasmuch as counsel for the defendant have copies of all footnoted documents.