

IN THE CIRCUIT COURT OF WOOD COUNTY, WEST VIRGINIA

JACK W. LEACH, ET AL.,

Plaintiffs,

v.

E.I. DU PONT DE NEMOURS AND
COMPANY,

Defendants.

CIVIL ACTION NO.: 01-C-608
(Judge Moats)

**PLAINTIFFS' RESPONSE TO NOVEMBER 21, 2014 STATUS REPORT OF THE
DIRECTOR OF MEDICAL MONITORING**

I. INTRODUCTION

Plaintiffs' Class Counsel submit this Response to the "Status Report of the Director" submitted to the Court on November 21, 2014, by Michael K. Rozen, Director of Medical Monitoring (the "Status Report") to note their concerns on behalf of the Class Members with respect to certain aspects of Mr. Rozen's (the "Director's") plans to implement the distribution of medical monitoring benefits to Class Members under the "Order Appointing Director of Medical Monitoring and Utilization of Brookmar, Inc." (the "Appointment Order"). The Court entered the Appointment Order just over two years ago, on November 20, 2012. (*See* Affidavit of Robert A. Bilott in Support of Response ("Aff.") at Ex. A.)

As explained below, Plaintiffs' Class Counsel believe that recent events make clear that the Director's office has not taken and does not plan to take steps to provide "information to Class Members ... of the details and the availability of the services provided through" the new class-wide C-8 Medical Monitoring Program (the "Program") that are sufficient to provide Class Members "with a fair, efficient, and equitable opportunity to avail themselves of the services encompassed within" this new Program, as required under the Appointment Order. (*Id.* Ex. A at

3.) Consequently, unless certain additional Class Member outreach activities are undertaken by the Director's office, as addressed in more detail below, the Director's current plans could work to "prohibit, impair, or delay ... Class Member access to or reimbursement of ... testing or other services authorized or otherwise encompassed within the" Program, contrary to the Appointment Order. (*Id.* Ex. A at 2.)

II. ARGUMENT

A. The Director Was Appointed to Insure Fair and Equitable Distribution of Class Medical Monitoring Benefits.

As this Court is aware from the number of motions and hearing transcripts in the record since entry of the Appointment Order, Plaintiffs' Class Counsel originally agreed to DuPont's suggestion to retain Mr. Rozen to serve as the Director in this case based on the express, written agreement with DuPont that Mr. Rozen would be required to retain local firm, Brookmar Inc. ("Brookmar") "for a minimum of two years after release by the Medical Panel of the Recommended Protocol" for the Program "for the purpose of providing appropriate notice *and information* to Class Members as directed by the Director *of the details and the availability of the services provided* through the implementation of the Recommended Protocol." (*Id.* Ex. A at 3 (emphasis added).) Plaintiffs' Class Counsel insisted on Brookmar being retained in this regard, because of Brookmar's extraordinary success in communicating complicated testing information to Class Members when the original C8 Health Project was started almost a decade ago, resulting in the education and participation of *almost 70,000* class members (estimated to be over 90% of the Class). In light of the parties' agreement and joint motion in 2012 that Brookmar should again be used for such services, the Court ordered that the Director "shall utilize the services of Brookmar Inc to help insure that Class Members are provided with a fair, efficient, and equitable opportunity to avail themselves of any services encompassed within the Recommended

Protocol,” and expressly included the retention of Brookmar in the final Appointment Order
(*Id.*)

B. The Director Promised to Discharge His Duty to the Class in a Fair and Equitable Manner but Without Brookmar.

Based on the parties’ agreement in 2012 on the use of Brookmar (and the Court’s Order appointing both the Director and Brookmar consistent with that agreement), Plaintiffs’ Class Counsel were shocked when both the Director and DuPont revealed after the Medical Panel’s initial Recommended Protocol was released in May of 2013 that they now both objected to any use of Brookmar, beyond assistance with mailing a formal written notice alerting Class Members to the Medical Panel’s Recommended Protocol. As the Court is aware, Plaintiffs’ Class Counsel even filed a formal motion to enforce the terms of the Appointment Order in this regard, which DuPont opposed.¹ DuPont even went so far as to take steps to disqualify the presiding judge, rather than risk having the Court grant Plaintiffs’ Motion to enforce the order that Brookmar be used, as originally agreed.

Not only did DuPont’s aggressive attacks in this regard succeed in disqualifying the presiding Judge, but those efforts, along with the Director’s attacks on Brookmar’s capabilities in open court, succeeded in convincing Brookmar that it no longer wanted any part of working with the Director on any terms. Thus, Brookmar ultimately informed the parties that, as long as Mr. Rozen remained the Director, Brookmar would no longer participate in any aspect of the Program.

After being informed of Brookmar’s decision that it no longer wanted to work with Mr. Rozen, Plaintiffs’ Class Counsel asked the Director to confirm how he planned to make sure that

¹ The Director also informed the Court during an earlier hearing on these issues that he would quit, if he was forced to allow Brookmar to perform any services beyond the limited formal class notice tasks that the Director was proposing to assign to them.

Class Members still received adequate information about the new C8 Medical Monitoring Program so that they could fully access their class benefits. In response, the Director assured Plaintiffs' Class Counsel (and the Court during a May 2014 status conference) that he would be implementing a plan that fully and fairly addressed that issue, even without Brookmar.

Although Plaintiffs' Class Counsel repeatedly asked the Director to include additional outreach steps upon launch of the Program, beyond formal written notice and a couple of "town hall" meetings, the Director (and DuPont) refused to add any such additional outreach activities. Even as to the "town halls" that the Director eventually did agreed to sponsor, the Director notified Plaintiffs Class Counsel that he objected to any participation by Plaintiffs' Class Counsel (which objection was joined by DuPont). Rather than risk further delay of commencement of the Program (which at this point had taken *over a year* for the Director to finalize), Plaintiffs' Class Counsel noted their concerns and asked that the Director move forward with making the benefits available to Class Members immediately, along with the planned "town halls." Plaintiffs' Class Counsel reserved their right to revisit the issue, depending on how successful the Director's plan actually was in providing sufficient information to Class Members to effectively access their class benefits.

C. To Date, the Director's Office Has Undertaken Only the Most Minimal of Class Outreach Efforts.

As noted in the Director's latest Status Report, the Program officially "launched" on September 2, 2014, when formal class notice began to be mailed to Class Members and the Program's website first "went live." (Aff. Ex. B at 2-3.) A small, one-time, ¼ page legal notice followed in a few local papers the week of September 8, 2014, with a similar legal notice published once in Parade Magazine on September 24, 2014. (*Id.*) The Director held his "town halls," but, given the lack of any television, radio, or other advertising of the events by the

Director's office (beyond the small publication notices and website posting), very few people attended those meetings.

Upon learning of the low attendance at these initial "town halls" and receipt of the first few activity reports from the Director's office revealing potentially low awareness of the Program among Class Members, Plaintiffs' Class Counsel wrote to both the Director and the Medical Panel on September 29, 2014, noting their concerns with the extent of the Class Member outreach being implemented by the Director's office. (*See id.* Ex. C.) In particular, Plaintiffs' Class Counsel noted that, given the less than 500 "complete" Program applications received by the Director's office after almost a full month following implementation of the Director's "outreach" plan, "Plaintiffs' Class Counsel are concerned that Class Members are not understanding or are being overwhelmed by the Program application process," and "feel strongly that additional Class Member 'outreach' steps are warranted in order for Class Members to properly understand and access their important medical monitoring benefits." (*Id.* Ex. C at 2.) In response, the Director suggested waiting a few more weeks to see if application numbers changed significantly before deciding what, if any, additional outreach steps should be taken.

D. Plaintiffs' Class Counsel Have Been Asking the Director to Add Additional Class Outreach Efforts.

In October, after the Director's activity reports confirmed that overall Program application numbers seemed to have peaked and were now declining, Plaintiffs' Class Counsel again asked that the Director promptly initiate additional outreach to the Class Members to make sure Class Members actually understood what benefits were now available and how to actually obtain such benefits. In response, the Director eventually conceded that applications appeared to be declining and agreed to consider additional outreach options. During the week of October 20, 2014, the Director asked the parties to confirm their respective positions on that issue by October

28, 2014. On that date, the parties sent emails to the Director confirming their respective positions as to the extent of the additional outreach necessary. (*See id.* Exs. D & E.)

In their October 28 email to the Director, Plaintiffs' Class Counsel confirmed their continued "full support and encouragement of such additional educational/outreach activities" and requested "that additional such activities be implemented immediately." (*Id.* Ex. D at 1.)

Plaintiffs' Class Counsel explained their position as follows:

To date, the only educational/outreach programs conducted through the Director's office (beyond the formal notices required) have been the limited number of "Town Hall" meetings, which were not mentioned in the formal notices to Class Members or the subject of any advertising/outreach by the Program/Director's office, and thus attracted very few attendees. The new C8 Medical Monitoring Program is, however, a very complex program that requires Class Members to decipher and complete a large number of forms incorporating sophisticated and complicated terminology, and which require Class Members to collect and submit documents that may be more than a decade old. There are a large number of Class Members who do not have the benefit of sophisticated training or educational backgrounds and are likely to be so overwhelmed by the perceived complexity and time-consuming nature of the registration and application process that they are not even attempting to try to apply or participate. Although such a result may be a great benefit to DuPont in keeping participation (and thus total expenses) low, that result is certainly not the "most fair and efficient" for Class Members. As the level of complication and complexity has increased in the program registration and application process, the level of education and outreach to Class Members also should have been increasing to make sure that Class Members actually have a "fair" and "equitable" chance to access these important class benefits.

(*Id.* Ex. D at 1.) Based on these concerns, Plaintiffs' Class Counsel expressly notified the Director that he should, "within the next month," take the following additional education and outreach actions:

[A] direct mailing to each potential C-8 Medical Monitoring Program registrant who has not already submitted a registration form, and radio, television, and local newspaper advertisements in the form of public service announcements coming from the

Director reminding potential registrants that the Program is fully operational and how they can register either on-line or by calling the toll-free number to request that a registration packet be mailed to them, if necessary. The direct mailing should be in an envelope that is plainly and conspicuously labeled as relating to the C-8 Medical Monitoring Program.

(*Id.* Ex. D at 2.) As for the “town hall” idea, Plaintiffs’ Class Counsel specifically noted that, “Class Counsel do not believe that simply offering additional town hall meetings will be as productive as a direct mailing combined with contemporaneous radio, television, and newspaper public service announcements.” (*Id.*) Anticipating DuPont’s on-going objections to the Director undertaking any outreach beyond the most minimum, legalistic, written notices, Plaintiffs’ Class Counsel pointed out that, “in light of the \$475,000.00 per month already approved and being paid by DuPont for the Director’s basic Program implementation services (totaling over \$7 Million to date), whatever additional costs would be incurred to add these critically-important outreach and education components is trivial/insignificant in comparison.” (*Id.*)² “These additional educational and outreach activities are, however, critically important for the overall success of the entire Program and for ‘fair’ and ‘equitable’ Class Member access to their class benefits.” (*Id.*) As expected, DuPont sent its email to the Director a few hours later objecting to and opposing any such additional outreach efforts. (*Id.* Ex. E.)

² As of today’s date, DuPont has actually now paid the Director more than \$7.5 Million. (*See* Aff. Ex. I.) Yet, as confirmed for the first time in a Daily Summary Report released by the Director’s office only after his Status Report was submitted to the Court, a grand total of *only 11* class members have had a single penny of their Medical Monitoring benefits paid to date, totaling less than \$2000 for all of those Class Members, combined. (*See id.* Ex. H. *Compare id.* Ex. G at 5 (Plaintiffs’ Class Counsel expressly asked the Director to disclose to the parties and the Court in his Status Report how much (if anything) “has actually been spent from the Medical Monitoring Fund to pay for Class Member Medical Monitoring”) *with id.* Ex. B at 5 (Director refused to reveal that information in his final Status Report sent to the Court).) Moreover, of the almost 5891 Class Members who have applied for their class benefits, only 466 (less than 10%) have even made it to the point of being able to set up their first appointment with a Program doctor. (*See id.* Ex. H at 1.)

E. The Director Has Been Rejecting the Additional Class Outreach Requested by Plaintiffs' Class Counsel.

On November 14, 2014, the Director emailed to the parties a draft of his proposed Status Report to the Court, revealing that he had rejected the request by Plaintiffs' Class Counsel to implement more extensive outreach activities, and would be advising the Court that, beyond some additional "town hall" meetings (as was done before), he had decided that "there will be no further recommendations by the Director for additional outreach to the class." (*Id.* Ex. F. at 6.) The Director also informed the parties during subsequent conference calls that he was rejecting the request of Plaintiffs' Class Counsel that the Director bring computers or other equipment with him during the additional "town halls" so that he could help Class Members actually complete Program application forms. Amazingly, even though this minimal, proposed new activity was only estimated to cost a few thousand dollars (less than 10% of just one month's fee that DuPont was paying the Director), DuPont was *still* objecting to allocating *one penny* of those fees toward anything that might help inform the Class Members of their new class benefits. (*See id.*)

Plaintiffs' Class Counsel responded to the Director's draft Status Report by pointing out to both the Director and DuPont that, contrary to the Director's draft comment that the additional "town halls" and associated costs are somehow "outside the scope" of his authority, the Appointment Order specifically authorizes such activities. (*See id.* Ex. G at 6-7.) DuPont, on the other hand, did not share any of its feedback on the Status Report with Plaintiffs' Class Counsel but apparently agreed during subsequent telephone discussions between only the Director and DuPont's counsel to "pay for the town hall meetings and associated publication recommended by the Director," all of which the Director now estimates to cost no more than \$50,000. (*Id.* Ex. B at 6.)

F. The Minimal Class Outreach Now Proposed by the Director Should Not be Delayed.

Based upon the foregoing, it is not clear why the Director now seems to be asking for the Court to first “approve the scheduling of additional town hall meetings and announcements,” before the Director plans to actually move forward to implement these activities. As noted above, the Court’s Appointment Order already authorizes the Director to implement any such outreach activities, (*see id.* Ex. A), and the Court recently clarified that the Director’s fees and costs are to be paid directly by DuPont and are not to be paid out of the capped \$235 Million Medical Monitoring Fund. Thus, the Director’s proceeding with the activities at issue (and DuPont’s payment of those costs) does not in any way affect the total amount of benefits available to the Class Members through the Medical Monitoring Fund. Further, the Director’s final Status Report confirms that DuPont is now agreeing not to dispute paying for those costs, up to \$50,000.00. (*See id.* Ex. B at 6.) In other words, there is nothing requiring any Court “approval” here, and suggesting that any of these activities be delayed pending receipt of such “approval” serves no purpose other than to further delay implementation of additional outreach activities to the detriment of the Class Members.

G. The Director Should Implement Additional Class Outreach Efforts Without Further Delay.

Plaintiffs’ Class Counsel respectfully request that the Court either clarify that it need not approve the Director’s proposed additional outreach activities (as such is already authorized under the original Appointment Order) or clarify that such approval is given, so that the Director will proceed immediately with at least the minimal, additional outreach the Director is proposing. The proposed cost is less than only approximately ten percent (10%) of one month of the monthly fee DuPont is paying the Director for this entire Program, and *less than one percent*

(1%) of the total fees and expenses DuPont already has paid to the Director to “fairly” implement this Program for the Class Members over the last two years.

Far more should be occurring through the Director’s office, however, to “insure that Class Members are provided with a fair, efficient, and equitable opportunity to avail themselves of any services encompassed within” the Medical Monitoring Program. (*Id.* Ex. A at 3.)

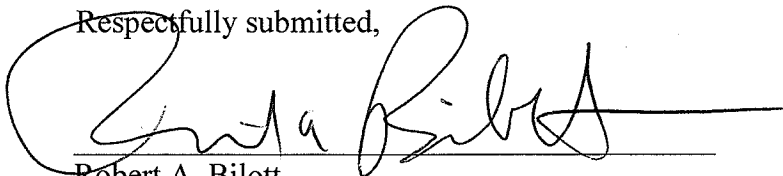
Although insuring that the Program costs are minimized or deferred for as long as possible may be well worth to DuPont the over \$7.5 Million it has paid to date to the Director’s offices, the purpose of the Appointment Order was to help insure the “fair, efficient, and equitable” distribution of a class benefit to Class Members. (*Id.* Ex. A at 3.) Plaintiffs’ Class Counsel had hoped that would be accomplished through the parties’ prior agreement that the Director would use Brookmar on these critically-important Class Member outreach issues. Unfortunately, when it came time to actually implement that agreement, DuPont and the Director effectively thwarted that plan, as noted above. Plaintiffs’ Class Counsel respectfully urge the Court to respond to the Director’s Status Report in a manner that makes clear that the Court expects proper and meaningful Class Member outreach to occur without further delay, as was originally agreed when the parties submitted the original Appointment Order to the Court, and as Mr. Rozen agreed when accepting his appointment as Director under that Order. In that regard, Plaintiffs’ Class Counsel believe that the Director should, at a minimum, also be implementing each of the additional Class Member outreach steps identified in their October 28, 2014, email to the Director.

III. CONCLUSION

Based on the foregoing, Plaintiffs’ Class Counsel respectfully request that the Court confirm that the Director need not wait for formal Court approval to undertake additional Class

Member outreach activities or, if the Court believes such approval is required, that the Court grant such approval.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Robert A. Bilott", written over a horizontal line.

Robert A. Bilott
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IN THE CIRCUIT COURT OF WOOD COUNTY, WEST VIRGINIA

JACK W. LEACH, ET AL.,

Plaintiffs,

v.

E.I. DU PONT DE NEMOURS AND
COMPANY,

Defendants.

CIVIL ACTION NO.: 01-C-608
(Judge Moats)

CERTIFICATE OF SERVICE

I, Robert A. Bilott, counsel for Plaintiff's herby certify that I have served a true and exact copy of "**Plaintiffs' Response to November 21, 2014 Status Report of The Director of Medical Monitoring**" and "**Affidavit of Robert A. Bilott in Support of Plaintiffs' Response to November 21, 2014 Status Report of The Director of Medical Monitoring**" upon defense counsel of record via electronic mail and U.S. Mail this 26 day of November 2014 as follows:

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Class Counsel For Plaintiffs

IN THE CIRCUIT COURT OF WOOD COUNTY, WEST VIRGINIA

JACK W. LEACH, ET AL.,

Plaintiffs,

v.

E.I. DU PONT DE NEMOURS AND
COMPANY,

Defendants.

CIVIL ACTION NO.: 01-C-608
(Judge Moats)

**AFFIDAVIT OF ROBERT A. BILOTT IN SUPPORT OF PLAINTIFFS' RESPONSE TO
NOVEMBER 21, 2014 STATUS REPORT OF THE DIRECTOR OF MEDICAL
MONITORING**

Robert A. Bilott, being first duly sworn, state as follows:

1. I am a partner with the law firm of Taft Stettinius & Hollister LLP in Cincinnati, Ohio and am one of Plaintiffs' Class Counsel in this case.
2. I am submitting this Affidavit in Support of Plaintiffs' Response to November 21, 2014 Status Report of the Director Of Medical Monitoring, being filed contemporaneously herewith.
3. Attached hereto at Exhibit A is a true and accurate copy of the Order Appointing Director of Medical Monitoring and Utilization of Brookmar, Inc., entered in this case on November 20, 2012.
4. Attached hereto at Exhibit B is a true and accurate copy of the Status Report of the Director (with attachments), submitted to the Court on November 21, 2014.
5. Attached hereto at Exhibit C is a true and accurate copy of an email from Plaintiffs' Class Counsel sent to the C8 Medical Panel and the Director of Medical Monitoring in

this case (the "Director"), copied to Defendant E. I. du Pont de Nemours and Company's ("DuPont's) counsel, dated September 29, 2014.

6. Attached hereto at Exhibit D is a true and accurate copy of an email from Plaintiffs' Class Counsel to the Director, copied to DuPont's counsel, dated October 28, 2014.

7. Attached hereto at Exhibit E is a true and accurate copy of an email from DuPont's counsel to the Director, copied to Plaintiffs' Class Counsel, dated October 28, 2014.

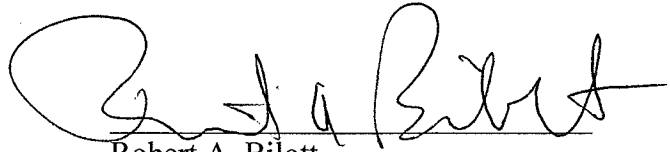
8. Attached hereto at Exhibit F is a true and accurate copy of an email from the Director (with attachment) sent to Plaintiffs' Class Counsel and DuPont's counsel, dated November 14, 2014.

9. Attached hereto at Exhibit G is a true and accurate copy of an email from Plaintiffs' Class Counsel (with attachment) sent to the Director, copied to DuPont's counsel, dated November 17, 2014.

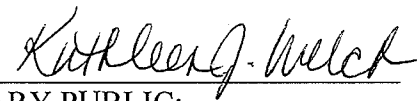
10. Attached hereto at Exhibit H is a true and accurate copy of a Daily Summary Report for the C-8 Medical Monitoring Program, dated November 24, 2014, which the Director sent to Plaintiffs' Class Counsel and DuPont's counsel on November 24, 2014.

11. Attached hereto at Exhibit I are true and accurate copies of the invoices that the Director's offices has sent to date to DuPont for payment in connection with the Director's services in this case.

FURTHER AFFIANT SAYETH NOT.


Robert A. Bilott

SWORN TO and SUBSCRIBED before me this 25th day of November 2014.


NOTARY PUBLIC:



KATHLEEN J. WELCH
Notary Public, State of Ohio
My Commission Expires
March 19, 2018

EXHIBIT A

IN THE CIRCUIT COURT OF WOOD COUNTY, WEST VIRGINIA

JACK W. LEACH, ET AL.,

Plaintiffs,

v.

CIVIL ACTION NO. 01-C-608

(Judge Beane)

E. I. DU PONT DE NEMOURS AND COMPANY,

Defendant,

ORDER APPOINTING DIRECTOR OF MEDICAL MONITORING
AND UTILIZATION OF BROOKMAR, INC.

Now come the parties hereto by counsel, pursuant to a Joint Motion Seeking Court Appointment of Director of Medical Monitoring for the purpose of overseeing and implementing the day-to-day administration of any Medical Monitoring Protocol that may be recommended in this matter. After due consideration of this Motion, the Court finds that there is a need in this matter for the efficient and fair administration of any Medical Monitoring Protocol that may be recommended by the Medical Panel established under the terms of the Class Action Settlement Agreement approved by the Court in February 2005 (the "Settlement Agreement") and that Michael Rozen, Esq. does have the necessary competence and experience required to perform this task.

It is therefore **ORDERED** that Michael Rozen, Esq. be hereby appointed as Director of Medical Monitoring in this matter (hereinafter "Director") and that the Director is empowered by this Court to oversee the implementation of Medical Monitoring for Class Members encompassed within the scope of any Medical Monitoring Protocol that is recommended by the Medical Panel under the Settlement Agreement (hereinafter "Recommended Protocol"). The

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Clerk No. 293
PAGE 296

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CAROLE JONES
CLERK CIRCUIT COURT

Director is hereby invested with only such discretion and authority as is necessary to carry out this task in the manner that is most fair, efficient, and fully consistent with the terms of the Settlement Agreement and with the Recommended Protocol, and shall, as part of his duties, contract through The Garden City Group Inc., Administrator of the Settlement Agreement (the "Administrator"), for any such services, such as testing, as may be authorized or otherwise encompassed within any such Recommended Protocol in the manner that is most fair and efficient and fully consistent with the Settlement Agreement and Recommended Protocol. Nothing stated herein shall provide the Director with any authority or discretion of any kind to alter, change, or modify any aspect of the Recommended Protocol or Settlement Agreement, or to prohibit, impair, or delay any Class Member access to or reimbursement for any testing or other services authorized or otherwise encompassed within the Recommended Protocol, which would otherwise be permitted under the Settlement Agreement.

As part of this work, the Director shall prepare and submit to the parties and to this Court a proposed annual budget each year which shall set forth the projected costs for the services of the Director for the coming year. Either party may file with the Court any objection to that budget within fifteen (15) days of receipt of such budget at which time this Court shall conduct a hearing on any such objection. In the absence of any such objection, the budget filed by the Director shall be approved by this Court and implemented by the Director without further Order of this Court.

The Director shall also contract through the Administrator for the services of Brookmar Inc. of West Virginia for a minimum of two years after release by the Medical Panel of the Recommended Protocol for the purpose of providing appropriate notice and information to

Class Members as directed by the Director of the details and the availability of the services provided through the implementation of the Recommended Protocol. The Director shall utilize the services of Brookmar Inc to help insure that Class Members are provided with a fair, efficient, and equitable opportunity to avail themselves of any services encompassed within the Recommended Protocol, consistent with the Settlement Agreement.


The Director shall provide a monthly status report of his work and the results of his work (and the work of Brookmar Inc. hereunder) to the parties through the Administrator. In such reports, the Director shall, at a minimum, advise the parties of the number of Class Members availing themselves of services encompassed within the Recommended protocol and the extent of such participation, and also provide the total expenditures for each month and for year-to-date from the Medical Monitoring Fund for Class Members' testing.

Nothing herein is intended to reclassify any costs otherwise characterized as Monitoring Funds costs under the Settlement Agreement as costs of the Administrator.

Both the Director and Brookmar Inc. shall submit monthly invoices for fees and expenses to the Administrator for review and approval. Upon approval by the Administrator, such invoices shall be forwarded to defendant DuPont for prompt payment thereof.

The Clerk is directed to send copies of this Order to all counsel of record.

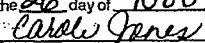
ENTER this 20th day of November 2012.


J.D. BEAN, Judge

STATE OF WEST VIRGINIA
COUNTY OF WOOD, TO-WIT:

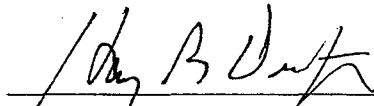
I, CAROLE JONES, Clerk of the Circuit Court of Wood County, West Virginia, hereby certify that the foregoing is a true and complete copy of an order entered in said Court, on the 20 day of Nov 2012, as fully as the same appears to me of record.

Given under my hand and seal of said Circuit Court, this the 20 day of Nov 2012


Carole Jones
Clerk of the Circuit Court of
Wood County, West Virginia

By: , Deputy

PRESENTED AND APPROVED BY:

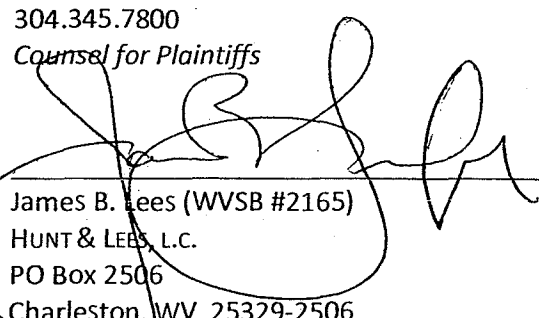


R. Edison Hill (WVSB #1734) *Harry Deitzler WVSB #981*
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EXHIBIT B

Bilott, Robert A.

From: Michael Rozen <MKRozen@feinbergrozen.com>
Sent: Friday, November 21, 2014 12:15 PM
To: Alan.Moats@courtsww.gov; andrew.phillips@courtsww.gov
Cc: Bilott, Robert A.; Ed Hill; HGDeitzler@HPCBD.Com; Larry Winter; Stennes, Libretta Porta; James B. Lees Jr. (leesgov@citynet.net); Dave Thomas (DThomas@tcspllc.com); Susan M. Robinson (srobinson@tcspllc.com); Camille Biros; Jackie Zins; Jackie Zins; Mary Erin Mariani
Subject: RE: Status Report of the Director
Attachments: Status Report of the Director 11 21 14.pdf

Dear Judge Moats:

Please find attached hereto a Status Report of the Director of Medical Monitoring, which is also being sent to the Court via FedEx.

Respectfully,

Michael K. Rozen
Director of Medical Monitoring

MEMORANDUM

TO: The Honorable Alan D. Moats and All Parties
Jack Leach, et al. v. E.I. du Pont de Nemours and Co.,
C-8 PFOA Medical Monitoring Program

FROM: Michael K. Rozen, Director of Medical Monitoring

RE: Status Report of the Director

DATE: November 21, 2014

On November 20, 2012, the Court appointed Michael K. Rozen, Esq. as Director of Medical Monitoring (the "Director") in the above-referenced matter to oversee the implementation of the Medical Panel Protocols for the Medical Monitoring Program (the "Program"). The Director previously submitted to the Court reports summarizing the progress and status of planning for implementation of the Medical Panel Protocols on September 20, 2013, November 19, 2013 and April 28, 2014.

The Program has now been launched. Notice was mailed to approximately 98,000 potential Class Members in the beginning of September and claimants are now registering, making appointments for monitoring and receiving monitoring pursuant to the Medical Panel Protocols. This Status Report of the Director summarizes the progress of the Program to date.

I. Background

In February 2005, the Circuit Court of Wood County, West Virginia approved a class action settlement ("the Settlement") between Plaintiffs and E.I. du Pont de Nemours and Co. ("DuPont"), the defendant, in a civil class action lawsuit styled *Jack Leach, et al. v. E.I. du Pont de Nemours and Co.*, Civil Action No. 01-C-608. The litigation involved claims arising from alleged contamination of human drinking water supplies with a chemical known as ammonium perfluorooctanoate (hereinafter "C-8") attributable to releases from DuPont's Washington Works Plant in Wood County, West Virginia.

As part of the Settlement, Class Counsel and DuPont selected an independent panel of three epidemiologists (the "Science Panel") to conduct and evaluate studies to answer the question whether a "Probable Link" exists between exposure to C-8 among Class Members and serious human disease ("Human Disease"). After lengthy studies, in which many Class Members participated, the Science Panel found that there is a "Probable Link" between exposure to C-8 and the following Human Diseases: (1) pregnancy-induced hypertension (including preeclampsia), (2) kidney cancer, (3) testicular cancer, (4) thyroid disease, (5) ulcerative colitis, and (6) diagnosed high cholesterol (hypercholesterolemia). The Settlement Agreement defines a "Probable Link" to mean that, "based upon the weight of the available scientific evidence, it is more likely than not that there is a link between exposure to C-8 and these

Human Diseases among Class Members." The Science Panel did not find that a Probable Link exists for any other Human Diseases.

As called for by the Settlement, the parties selected an independent panel of three medical doctors (the "Medical Panel") to determine whether and when medical monitoring for Class Members is appropriate for the six Human Diseases linked to C-8 exposure by the Science Panel. The Medical Panel released a final Protocol identifying initial recommended medical monitoring procedures for Class Members for each of these Human Diseases. The Medical Panel will issue an additional Protocol specifying the frequency and duration of these recommended tests, and Class Members will receive an additional notice addressing those issues when that additional Protocol is released. The Medical Panel has not yet provided an estimated time for release of the additional Protocol. In the Director's view, it is unlikely to be issued before the first quarter of 2015 since there will be limited results from screening tests by the end of the year and the Panel will need to study de-identified data derived from the current monitoring Program.

II. Implementation of the Program

The Director is administering and supervising the daily operation of the Program and the activities of the two primary vendors through daily interaction including review of all Program documents, quality control of the tasks delegated to the vendors, review and approval of provider invoices for services rendered to Class Members and ongoing decision-making for issues arising throughout the course of the Program. The two vendors assisting the Director in implementing the Program and with which the Director interacts on a daily basis, are: (1) Garden City Group Inc., ("GCG") the Administrator of the Settlement Agreement, which has mailed notice and is managing the electronic claims and paper claims filing system, the supporting documentation repository and the Call Center; and (2) HealthSmart, which is providing approximately 400 primary care providers and 100 specialists in the affected target areas of the Program. The Director is assuring that the provision and training of health care providers meets the standards of the Program and the needs of the Class Members. Claimants have been submitting Class Member Registration and Eligibility Forms. Eligibility determinations are being made, Class Members are making appointments with participating physicians and are now beginning to be monitored by participating physicians. The Daily Summary Report for November 20, 2014, which sets forth statistics relating to the progress of the Program, is attached to this Status Report as Exhibit A. The status of the Program, including greater explication of the statistics shown in Exhibit A, is set forth below.

A. Administration

Notice Packets

On September 2, 2014, 98,686, Notice Packets were mailed to potential Class Members; an additional 258 notice packets have been sent upon request subsequent to the initial mailing. The Notice Packets included: (1) a Transmittal Letter with instructions; (2) a Registration and Eligibility Form to be filled out by the claimant; and (3) a summary of the Medical Panel Protocols regarding the eligible population, screening tests and follow up/diagnostic pathways for each of the six diseases.

Website

- The Medical Monitoring website, <http://www.c-8medicalmonitoringprogram.com/>, went live on September 2, 2014. The website includes: (1) Notice; (2) a List of the Affected Water Sources; (3) Online Registration and Eligibility Forms for Download; (4) Information on the C-8 Medical Monitoring Program Screening Tests prepared by the Medical Panel; (5) an online filing portal for submitting Registration and Eligibility Forms or supporting documents electronically; (6) a search engine to enable Class Members to locate a participating physician in an area convenient to the Class Member;¹ (7) the Settlement Agreement; and (8) Frequently Asked Questions.

Publication Notice

- Publication of Summary Notice as set forth by the Court's Order Regarding Sending Class Notice Dated October 30, 2013, was published in local and regional publications the week of September 8, 2014 and in Parade Magazine on September 14, 2014.

Call Center

- The Call Center went live on September 2, 2014. Through November 20, 2014, a total of 2,498 calls have been received by the Call Center, 504 of which were handled by the Interactive Voice Response system and 1,994 of which were handled by a live operator.

Town Halls

- The Director held five town hall meeting at four separate locations on September 22, 2014 and September 23, 2014. The meetings were held in (1) Point Pleasant, West Virginia; (2) Parkersburg, West Virginia; (4) Pomeroy, Ohio and (5) Belpre, Ohio. At the town hall meetings, the Director made presentations addressing all aspects of the Program and also answered questions. In addition, vendor personnel were at the town halls answering questions and assisting claimants in filing Registration and Eligibility Forms online.

Eligibility Determinations

- After receipt of Eligibility and Registration Forms, the Program makes eligibility determinations. The Administrator reviews all documentation to determine eligibility. When an issue regarding a particular Registrant's eligibility arises, the Director's office

¹ Class Members call the Program's toll free number so that the Program can schedule a screening appointment for them with a conveniently located participating physician. Class Members may also, if they wish, search for a participating physician on the website so that they may request the Program to make an appointment with a specific participating provider.

reviews and determines the claim. Although initial determinations took longer, at the present time determination decisions are made within 48 hours.

- The data base which the Administrator obtained from the C-8 Health Project ("the C-8 Study") includes documents submitted by potential Class Members to the C-8 Study. Registrants who participated in the C-8 Study may rely upon previously submitted documentation to demonstrate eligibility to the extent that the documentation complies with the eligibility requirements of the Program. For these Registrants, the Program will review the data from the C-8 Study to determine eligibility. Other potential Class Members will submit documentation of eligibility.
- After a determination regarding eligibility is made in accordance with the Program criteria, the Registrant is sent an eligibility determination letter either accepting the Registrant into the Program, denying the registration application, or notifying the Registrant that the application is deficient. Deficiency notices indicate why the Registration is deficient and how to cure the deficiency. Registrants who have not submitted proof of water consumption during the relevant period are advised that they may request a confirming letter from the relevant Water District to show eligibility. The Program provides the Registrant with telephone numbers for the Water Districts.
- Through November 19, 2014 a total of 5,849 Registrations were received, 5,804 of which have been processed. Of the Registrations processed, 4,200 Registrants have been deemed to be Eligible Class Members, 280 were determined to be duplicative of other registrations, 75 were deemed ineligible and 1,249 were deficient. Mailing of deficiency letters began on November 5, 2014. Through the deficiency process the Program will work with these Registrants to establish eligibility if possible.

Medical Monitoring

- All Registrants who are deemed to be an Eligible Class Member are sent a Medical Monitoring Packet which includes information about how to make an appointment with a conveniently located participating physician for medical monitoring. The Medical Monitoring Packet also includes a consent to release medical information (HIPAA) Form and Class Member Screening Questionnaire for the Class Member to fill out, along with Instructions for Physicians. Class Members are instructed to take these forms with them to their screening appointment.
- The Class Member Screening Questionnaire requests that the Class Member indicate if he or she has been diagnosed with any of the six Probable Link Conditions and repeats the statement in the Notice that Class Members who have been diagnosed with a Probable Link Condition do not need and the costs will not be paid for that particular screening test. DuPont has pointed out to the Director that some Class Members have filed personal injury claims against DuPont for a Probable Link Condition(s) and that these Class Members in all probability have been diagnosed with such Probable Link Condition(s).

After discussion with the Director, the parties have agreed that the Program and the participating physicians may rely upon self-reporting by Class Members of a prior diagnosis without further investigation into the bases for individual lawsuits.

- The Program's network of providers gives 99.6% of the Class Members easy access to a primary care physician or specialty care physician. The average distance for Class Members to the closest Primary Care Physician is 4.5 miles and for Specialty Care Physicians is 2.7 miles.
- HealthSmart providers have been educated and continue to be educated about the Program. HealthSmart has mailed over 14,500 information packets to contracted providers, made in-person visits to providers, and conducted over 30 educational webinars. Webinars will be regularly scheduled throughout the life of the Program. HealthSmart has also established a dedicated telephone line to respond to questions by providers.

Through November 20, 2014, a total of 443 Class Members have made appointments with screening physicians. As shown in Exhibit B, Class Members from diverse locations in the impacted communities have made appointments. No Class member who has been deemed eligible and has requested an appointment to obtain screening under the Program has been denied an appointment through the Program. In any situation where the Director has been advised that there has been any appointment scheduling or physician participation issue, the Director has made sure that the issue is resolved promptly so that the eligible Registrant is able to proceed promptly with the requested appointment.

B. Communications

- The Director has been sending the Daily Summary Report, exemplified by Exhibit A, to the parties at the close of business every day. Daily reporting to the parties will continue throughout the month of November but will be reduced to weekly reporting thereafter. Such weekly reports will be circulated to the parties at the close of business every Friday.
- The parties and Director are in constant email communication discussing issues that arise regarding implementation of the Program (copied to both sides), although issues relating to any individual Registrant or potentially revealing any such Registrant's identity are not and will not be discussed or addressed with DuPont (per the agreement of all parties) so as to protect such individual's privacy. In addition, the Director holds weekly status calls with the parties every Thursday morning.
- The Director, GCG, and HealthSmart are in daily contact to respond to ongoing issues and to refine any aspects of the Program as necessary.

C. Further Outreach

- The Director is of the view that at this juncture in the Program further outreach to potential Class Members would be beneficial. The Program is now fully operational and an additional series of town hall meetings in the affected communities (publicized in local newspapers) would allow those potential and current Class Members who may have questions about the Program to hear a presentation from the Director and raise whatever issues they might have regarding either registration and eligibility or how the Program is progressing. A locally publicized announcement would further alert the communities that the Program is up and running and would be particularly beneficial to those potential Class Members who do not have access to computers and the Program's website.
- The Director has raised with the Parties his view that further town hall meetings—to be publicized in local newspapers—are appropriate at this point. The parties have agreed to proceed with publicized town hall meetings in accordance with the Director's recommendation set forth in Section D below, however they have clearly stated different views regarding the Director's authority to require the town hall meetings and announcements described below. DuPont believes that the recommended town hall meetings and associated publication are beyond its obligations under the Parties' Settlement Agreement and beyond the scope of authority granted to the Director. Reserving the right to refuse any further costs that DuPont contends fall outside the Settlement Agreement and the authority of the Director, DuPont has nevertheless agreed to pay for the town hall meetings and associated publication recommended by the Director at this juncture. Plaintiffs' Class Counsel disagree with DuPont's position and assert that the Director's authority to implement outreach activities was acknowledged and approved by the Honorable J.D. Beane in the Court's November 20, 2012 Order appointing Michael Rozen, Esq. as Director to oversee and implement the Medical Monitoring Program in a manner that is fair and efficient, including providing notice and information to Class Members of the availability of the services provided.

D. The Director's Recommendation as Agreed to by the Parties

The Director recommends that the Court approve the scheduling of additional town hall meetings and announcements regarding the Program and the town hall meeting schedule, to be printed in local newspapers prior to the town hall meetings. The Director's due diligence demonstrates that the town hall meetings and announcements in the local newspapers can be accomplished for a cost of no more than \$50,000. Accordingly, the Director requests that the Court approve the recommended outreach at a cost not to exceed \$50,000.²

² The Director has determined that the costs of a one-quarter page announcement in the nine local newspapers included in the Program's original Publication Notice would be approximately \$18,000; renting facilities for the town halls would be approximately \$2,000; and additional fees for Program personnel who participate in the town halls, including expenses would be approximately \$30,000, for a total of approximately \$50,000.

EXHIBIT A

C-8 Medical Monitoring Program

C-8MedicalMonitoringProgram.com

DAILY SUMMARY REPORT

(as of November 20, 2014 at 4:00 pm Eastern)

POTENTIAL PARTICIPANTS

	TOTAL PARTICIPANTS
Potential Participants Sent Notice Packet	98,944
Registrations Received*	5,849
a. Eligible for Medical Monitoring	4,200
b. Duplicate Registrations	280
c. Ineligible (see page 2 for details)	75
d. Deficient (see page 2 for details)	1,249
e. Under Review	45
Physician Appointments Made by Eligible Class Members	443
Physician Appointments Requested with Non HealthSmart Providers	4

*If confirmed as a participant in the C-8 Health Study, the Program will use documentation on hand to confirm eligibility for Medical Monitoring.

C-8 HEALTH STUDY PARTICIPANTS

	WEEK ENDING 11/21/2014	CUMULATIVE REGISTRANTS TO DATE
Participant	72	5,388
Non-Participant	5	461

WATER DISTRICTS / SOURCES (AS REPORTED BY REGISTRANT)*

	WEEK ENDING 11/21/2014	CUMULATIVE REGISTRANTS TO DATE
Little Hocking Water Association	30	1,217
Lubeck Public Service District	10	1,315
City of Belpre	7	877
Mason County Public Service District	12	1,214
Tuppers Plains - Chester Water District	17	1,178
Village of Pomeroy	3	391
Private Water Sources	3	322
Water District Not Identified by Registrant	4	334

*Registrant may indicate multiple Water Districts / Sources.

CALL CENTER ACTIVITY

	WEEK ENDING 11/21/2014	CUMULATIVE CALLS TO DATE
Calls Received	159	2,498
a. Interactive Voice Response ("IVR") Only	32	504
b. Live Operator	127	1,994

WEBSITE ACTIVITY

	WEEK ENDING 11/21/2014	CUMULATIVE TO DATE
Unique Visitors	107	4,076
Page Views	307	10,311

C-8 Medical Monitoring Program

C-8MedicalMonitoringProgram.com

REGISTRANT DEFICIENCY REASONS

	TOTAL PARTICIPANTS
Deficient Registrants**	1,249
Registrants with only Administrative Deficiencies <i>(Authorized Representative Documents Insufficient or not Provided; Registrant DOB/SSN/Gender not Provided; Missing Signature; Identity not Verified; and/or Pending Address Confirmation by Water District)</i>	140
Registrants with Documentation Deficiencies ***	1,109
Documentation not Provided	75
Documents submitted do not establish a period of one year prior to December 4, 2004	288
Documents Submitted are not Legible	22
Documents with No Identification that Connects to Registrant	11
Documents with No Address	713

**Each Registrant may be deficient for one or more reasons

***100 Registrants with Documentation Deficiencies also have Administrative Deficiencies

INELIGIBLE REGISTRANTS

	TOTAL PARTICIPANTS
Ineligible Registrants	75
Previously Opted-Out of the Class	0
Registrant Born on or After December 4, 2003	3
Registrants Whose Private Water Sources Tested Below 0.05 ppb of PFOA	0
Registrations Filed on behalf of Deceased Individuals	72

TIME TO APPOINTMENTS

	TOTAL
7 days or less	114
8-15 days	131
16-24 days	69
More than 24 days	129

APPOINTMENTS BY MEDICAL MONITORING PARTICIPANT LOCATION

ZIP CODE	TOTAL
26101	37
45714	36
45769	24
25123	22
25550	21
45750	19
45723	16
26181	16
26104	13
45771	13
45772	11
26105	10
45760	10
45742	8
25241	8

25287	8
45784	7
26150	6
45724	6
26164	6
45631	5
45710	5
26184	5
26187	5
25541	5
25502	4
25801	4
25253	4
45743	4
45701	4
43105	4
43787	3
25239	3
25515	3
26133	3
26142	3
45775	3
45778	3
45770	2
45786	2
74959	2
78624	2
89130	2
26103	2
25701	2
25265	2
25414	2
40517	2
45177	2
43204	2
45623	2
43130	2
26180	2
29715	2
32533	2
45745	2
45720	2
45728	2
45729	2
45735	2
45740	2
45711	1
45694	1
45744	1
45764	1
39564	1
43140	1
43149	1
43160	1
45255	1
43026	1
45039	1

25314	1
25260	1
25559	1
25503	1
26161	1
26143	1
26146	1
26288	1
26330	1
26346	1
26421	1
26508	1
26554	1
45788	1
46311	1
45773	1
45779	1
45782	1
45783	1

EXHIBIT B

APPOINTMENTS BY MEDICAL MONITORING PARTICIPANT LOCATION

City	State	Zip Code	Count
PARKERSBURG	WV	26101	36
BELPRE	OH	45714	36
POMEROY	OH	45769	24
LEON	WV	25123	22
MARIETTA	OH	45750	18
POINT PLEASANT	WV	25550	17
WASHINGTON	WV	26181	16
COOLVILLE	OH	45723	16
PARKERSBURG	WV	26104	13
RACINE	OH	45771	13
REEDSVILLE	OH	45772	11
MIDDLEPORT	OH	45760	10
VIENNA	WV	26105	9
EVANS	WV	25241	8
WEST COLUMBIA	WV	25287	8
LITTLE HOCKING	OH	45742	8
VINCENT	OH	45784	7
MINERAL WELLS	WV	26150	6
CUTLER	OH	45724	6
MILTON	WV	25541	5
RAVENSWOOD	WV	26164	5
WAVERLY	WV	26184	5
GALLIPOLIS	OH	45631	5
ALBANY	OH	45710	5
LETART	WV	25253	4
APPLE GROVE	WV	25502	4
PT PLEASANT	WV	25550	4
BECKLEY	WV	25801	4
WILLIAMSTOWN	WV	26187	4
BALTIMORE	OH	43105	4
ATHENS	OH	45701	4
LONG BOTTOM	OH	45743	4
COTTAGEVILLE	WV	25239	3
GALLIPOLIS FERRY	WV	25515	3
BELLEVILLE	WV	26133	3
DAVISVILLE	WV	26142	3
STOCKPORT	OH	43787	3
RUTLAND	OH	45775	3
STEWART	OH	45778	3
NEW HAVEN	WV	25265	2
CHARLES TOWN	WV	25414	2
HUNTINGTON	WV	25701	2
PARKERSBURG	WV	26103	2
WALKER	WV	26180	2
FORT MILL	SC	29715	2

APPOINTMENTS BY MEDICAL MONITORING PARTICIPANT LOCATION

City	State	Zip Code	Count
CANTONMENT	FL	32533	2
LEXINGTON	KY	40517	2
LANCASTER	OH	43130	2
COLUMBUS	OH	43204	2
WILMINGTON	OH	45177	2
CROWN CITY	OH	45623	2
CUTLER	OH	45728	2
FLEMING	OH	45729	2
GUYSVILLE	OH	45735	2
LOWER SALEM	OH	45745	2
PORTLAND	OH	45770	2
WATERFORD	OH	45786	2
SPIRO	OK	74959	2
FREDERICKSBURG	TX	78624	2
LAS VEGAS	NV	89130	2
CLIFTON	WV	25260	1
CHARLESTON	WV	25314	1
ASHTON	WV	25503	1
SALT ROCK	WV	25559	1
PARKERSBURH	WV	26101	1
PARKERSBURG	WV	26105	1
ELIZABETH	WV	26143	1
FRIENDLY	WV	26146	1
PETROLEUM	WV	26161	1
MURRAYSVILLE	WV	26164	1
WILLIAMSTOWN	WV	26187	1
WEBSTER SPRINGS	WV	26288	1
BRIDGEPORT	WV	26330	1
ELLENBORO	WV	26346	1
PULLMAN	WV	26421	1
MORGANTOWN	WV	26508	1
FAIRMONT	WV	26554	1
OCEAN SPRINGS	MS	39564	1
HILLIARD	OH	43026	1
LONDON	OH	43140	1
ROCKBRIDGE	OH	43149	1
WASHINGTON COURT HOUSE	OH	43160	1
MAINEVILLE	OH	45039	1
CINCINNATI	OH	45255	1
WHEELERSBURG	OH	45694	1
AMESVILLE	OH	45711	1
CHESTER	OH	45720	1
FLEMING	OH	45720	1
HACKSONVILLE	OH	45740	1
JACKSONVILLE	OH	45740	1

APPOINTMENTS BY MEDICAL MONITORING PARTICIPANT LOCATION

City	State	Zip Code	Count
LOWELL	OH	45744	1
VINCENT	OH	45750	1
NELSONVILLE	OH	45764	1
RENO	OH	45773	1
SYRACUSE	OH	45779	1
TRIMBLE	OH	45782	1
TUPPERS PLAINS	OH	45783	1
WHIPPLE	OH	45788	1
DYER	IN	46311	1

EXHIBIT C

Bilott, Robert A.

From: Lorna Lightfoot <Lorna.Ware@gcginc.com>
Sent: Monday, September 29, 2014 2:13 PM
To: Bilott, Robert A.
Cc: 'rehill@hpcbd.com'; 'Harry Deitzler'; 'Larry A. Winter Esq. (lwinter@wjh-law.com)'; 'Libretta Porta Stennes Esq. (lstennes@steptoe.com)'; 'Susan M. Robinson (srobinson@tcspllc.com)'; 'Julie.S.Mazza@usa.dupont.com' (Julie.S.Mazza@usa.dupont.com); 'Michael K. Rozen (mkrozen@feinbergrozen.com)'
Subject: RE: Leach v. DuPont: C-8 Medical Monitoring Program Statistics
Attachments: FW: Leach v. DuPont: C-8 Medical Monitoring Program Statistics

Rob:

At your request, this email has been forwarded to the Medical Panel. Please see attached for your records.

Lorna Ware

Senior Assistant General Counsel, Legal



The Garden City Group, Inc.
1985 Marcus Ave. Lake Success, NY 11042

T: 631-470-1842

Lorna.Ware@gcginc.com | www.gcginc.com

From: Bilott, Robert A. [mailto:bilott@taftlaw.com]
Sent: Monday, September 29, 2014 1:58 PM
To: Lorna Lightfoot
Cc: rehill@hpcbd.com; Harry Deitzler; Larry A. Winter Esq. (lwinter@wjh-law.com); Libretta Porta Stennes Esq. (lstennes@steptoe.com); Susan M. Robinson (srobinson@tcspllc.com); 'Julie.S.Mazza@usa.dupont.com' (Julie.S.Mazza@usa.dupont.com); Michael K. Rozen (mkrozen@feinbergrozen.com)
Subject: Leach v. DuPont: C-8 Medical Monitoring Program Statistics

Lorna:

Plaintiffs' Class Counsel request that you forward to the C8 Medical Panel the following communication and attached status report regarding the extent and success of Class Member education/outreach efforts to date with respect to the new C8 Medical Monitoring Program launched during the week of September 2, 2014:

As the C8 Medical Panel is aware, the C8 Medical Monitoring Program was officially launched the week of September 2, 2014, with direct mail notices sent to Class Members that week, along with ¼ page summary notices published in local papers and one national publication shortly thereafter. Although the original November 2012 Order contemplated the Director of Medical Monitoring retaining and working with local firm, Brookmar Inc. (which had successfully educated tens of thousands of Class Members with respect to the prior C8 Health Project) to assist with Class Member outreach and education activities for this new Medical Monitoring Program, that did not happen. As the Panel is aware, Brookmar Inc. eventually chose not to work with the Directors office, following a series of disagreements with respect to the proper design and management of the Program. Yet, since Brookmar Inc. withdrew from the project, the Director's office has not retained any other local firm to assist in any of the Class Member "outreach" activities. Instead, the Director has proceeded with a plan in which the only Class Member "outreach" so far by the Program (beyond the formal written, legal notices) has been the scheduling of "town hall" meetings staffed/conducted by the Director's office on September 22 and 23. Although the "town halls" were mentioned in the small publication notices and Program website, they were not mentioned in the direct mail notice packages sent to Class Members. Less than a couple dozen total Class Members showed up for any of those "town halls."

As for awareness and understanding so far among Class Members as to how to sign up or apply for the new C8 Medical Monitoring Program, the attached Status Report from Garden City Group reveals that, to date, only approximately 3600 Class Members have made it through the initial application filing process. Of those who have made it that far, less than 500 have been deemed "eligible" for any monitoring, with almost double that number submitting applications that are now being viewed as somehow "deficient" by Garden City Group and/or the Director's office. Thus, given the more than 90,000 notices that were mailed and the less than 500 applications being found "complete" enough to date to be eligible for any monitoring, Plaintiffs' Class Counsel are concerned that Class Members are not understanding or are being overwhelmed by the Program application process. Thus, Plaintiffs' Class Counsel feel strongly that additional Class Member "outreach" steps are warranted in order for Class Members to properly understand and access their important medical monitoring benefits. Plaintiffs' Class Counsel raised this issue with the Director and DuPont last week after reviewing these latest program statistics and understand that the issue is under consideration.

Rob

Taft/

Robert A. Bilott / Partner
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EXHIBIT D

Bilott, Robert A.

From: Bilott, Robert A.
Sent: Tuesday, October 28, 2014 1:47 PM
To: Michael K. Rozen (mkrozen@feinbergrozen.com)
Cc: Camille Biros (CBiros@feinbergrozen.com); Jackie Zins (jzins@feinbergrozen.com); R. Edison Hill; HGDeitzler@HPCBD.Com; Larry A. Winter Esq. (lwinter@wjh-law.com); Libretta Porta Stennes Esq. (lstennes@steptoe.com); Susan M. Robinson (srobinson@tcspllc.com); Mary-Erin Mariani (mary-erin.mariani@usa.dupont.com)
Subject: Leach v. DuPont: Medical Monitoring Program

Mike:

During last week's conference call among the parties, you asked that the parties each send to you by 10/29/14 at Noon an email confirming their respective positions as to whether the Director should undertake additional Class Member educational/outreach activities with respect to the C8 Medical Monitoring Program. In response, Plaintiffs' Class Counsel are submitting this email to confirm their full support and encouragement of such additional educational/outreach activities, and to request that additional such activities be implemented immediately.

It cannot be disputed that the parties jointly requested that the Court empower you, as Director of Medical Monitoring, to design and implement such educational/outreach activities when the parties first moved for your appointment as Director over two years ago. That joint request was acknowledged and approved by the Court in its 11/20/12 Order when it appointed you as Director and expressly authorized the Director to "oversee the implementation of Medical Monitoring for Class Members" in the manner that is "most fair and efficient," including "providing appropriate notice and information to Class Members ... of the details and the availability of the services provided" so that "Class Members are provided with a fair, efficient, and equitable opportunity to avail themselves of any services encompassed" within the program. (Order Appointing Director at 1-3 (11/20/12).) Although Plaintiffs' Class Counsel originally understood that Brookmar Inc. would be utilized to assist in such important educational/outreach programs, that did not come to pass but the Director's office later assured the parties and the Court through its various status reports that the Director's office would make sure that the appropriate level of educational and outreach activities would occur for this Program.

To date, the only educational/outreach programs conducted through the Director's office (beyond the formal notices required) have been the limited number of "Town Hall" meetings, which were not mentioned in the formal notices to Class Members or the subject of any advertising/outreach by the Program/Director's office, and thus attracted very few attendees. The new C8 Medical Monitoring Program is, however, a very complex program that requires Class Members to decipher and complete a large number of forms incorporating sophisticated and complicated terminology, and which requires Class Members to collect and submit documents that may be more than a decade old. There are a large number of Class Members who do not have the benefit of sophisticated training or educational backgrounds and are likely to be so overwhelmed by the perceived complexity and time-consuming nature of the registration and application process that they are not even attempting to try to apply or to participate. Although such a result may be a great benefit to DuPont in keeping participation (and thus total expenses) low, that result is certainly not the "most fair and efficient" for Class Members. As the level of complication and complexity has increased in the program registration and application process, the level of education and outreach to Class Members also should have been increasing to make sure that Class Members actually have a "fair" and "equitable" chance to access these important class benefits.

In short, additional Class Member education and outreach activities are not only expressly authorized within the Director's charge for this matter but are now critically necessary in order for Class Members to secure "fair" and "equitable" access to their class benefits, given the unusually complicated and complex nature of this particular Program.

Plaintiffs' Class Counsel envision that the Director should, within the next month, implement additional outreach and educational actions which, at a minimum, should include a direct mailing to each potential C-8 Medical Monitoring Program registrant who has not already submitted a registration form, and radio, television, and local newspaper advertisements in the form of public service announcements coming from the Director reminding potential registrants that the Program is fully operational and how they can register either on-line or by calling the toll-free number to request that a registration packet be mailed to them, if necessary. The direct mailing should be in an envelope that is plainly and conspicuously labeled as relating to the C-8 Medical Monitoring Program. Given the response/experience to date, Class Counsel do not believe that simply offering additional town hall meetings will be as productive as a direct mailing combined with contemporaneous radio, television, and newspaper public service announcements. Moreover, in light of the \$475,000.00 per month already approved and being paid by DuPont for the Director's basic Program implementation services (totaling over \$7 Million to date), whatever additional costs would be incurred to add these critically-important outreach and education components is trivial /insignificant in comparison. These additional educational and outreach activities are, however, critically important for the overall success of the entire Program and for "fair" and "equitable" Class Member access to their class benefits.

Thanks.

Rob

EXHIBIT E

Bilott, Robert A.

From: Stennes, Libretta Porta <LStennes@step toe.com>
Sent: Tuesday, October 28, 2014 5:46 PM
To: Michael Rozen (MKRozen@feinbergrozen.com); Camille Biros (cbiros@dcmail.feinbergrozen.com); Jackie Zins (JackieZins@dcmail.feinbergrozen.com)
Cc: Stennes, Libretta Porta; leesgov@citynet.net; Susan Robinson (SRobinson@tcspllc.com); Dave Thomas (DThomas@tcspllc.com) (DThomas@tcspllc.com); Mary-Erin.Mariani@dupont.com; R. Edison Hill; Harry Deitzler (HGDeitzler@hpcbd.com); Larry Winter (lwinter@wjh-law.com); Bilott, Robert A.
Subject: DuPont position regarding notice

DuPont under the Settlement Agreement was required to provide Notice of the Medical Monitoring Protocol. DuPont has complied with that requirement of the Settlement Agreement. Notice packets were mailed directly to over 90,000 individuals (including mailing packets to multiple addresses for the same individual). We understand that Class Counsel mailed letters to approximately 4,000 people who are either retained clients or persons who had contacted Class Counsel over the course of the litigation. Notice was also published in national, regional, and local media outlets.

There has been no showing or indication that Class Members have not received such Notice nor has there been any showing that Class Members have been denied a fair opportunity to sign up for Medical Monitoring. The administrative data circulated daily shows that thousands of people have obtained eligibility and hundreds have already scheduled medical appointments. In fact, the number of people who have contacted the Administrator, to date, to receive eligibility packets appears to exceed the number of people who have contacted Class Counsel over the last decade to inquire about this litigation. At present, there is no established cut-off date for class members to participate, so there is no risk that class members will lose a negotiated benefit under the Settlement. Class Counsel had full opportunity to comment on the forms that accompanied Notice and offer nothing beyond speculation to suggest that Class Members may not understand what has to be done.

In addition to providing Notice as required under the Settlement Agreement DuPont has also funded numerous town meetings, a web site and a call-in center to further provide Class Members a fair opportunity to avail themselves of this program even though such town meetings, web site and the call center are not required under the Settlement Agreement. DuPont agreed to pay Mr. Young as a vendor to make certain that the Director of Medical Monitoring had the direct mail address list from the C-8 Health Project, the list that Brookmar had previously used for direct mail notice, as well as copies of documentation provided to establish class membership during the C-8 Health Project.

Contrary to Class Counsel's communication, DuPont did not advocate that the Court to empower the Director with authority to conduct notice activities beyond the scope of the notice plan called for under the Settlement Agreement. To the contrary, the Order appointing the Director is clear that the Director shall have no authority or discretion to alter, change, or modify any aspect of the Settlement Agreement. DuPont has fulfilled its obligations under the Settlement Agreement, and gone beyond, so that Class Members have access to Medical Monitoring. It has always been understood that Class Members may not wish to avail themselves of the Medical Monitoring. But, the Settlement Agreement does not require that DuPont fund additional "outreach."

Given that DuPont has fulfilled the obligation to which it agreed under the Settlement Agreement and given that DuPont has voluntarily agreed to fund additional Notice efforts and actions to facilitate access to the Medical Monitoring that were not required under the Settlement Agreement and given that there has been no showing

that Class Members have not received a fair opportunity to obtain medical monitoring, DuPont opposes any effort to impose additional costs or obligations upon DuPont for yet additional Notice efforts.

EXHIBIT F

Bilott, Robert A.

From: Michael Rozen <MKRozen@feinbergrozen.com>
Sent: Friday, November 14, 2014 2:42 PM
To: Stennes, Libretta Porta; Camille Biros; Jackie Zins
Cc: R. Edison Hill; HGDeitzler@HPCBD.Com; Larry A. Winter Esq. (lwinter@wjh-law.com); Susan M. Robinson (srobinson@tcspllc.com); Mary-Erin Mariani (mary-erin.mariani@usa.dupont.com); Bilott, Robert A.
Subject: RE: Leach v. DuPont: Medical Monitoring Call
Attachments: Director Status Report Draft November 14 2014.docx

All: As discussed this morning, please find attached a DRAFT Status Report for the Court. Please let me have your comments, if any, by end of day on Monday.
Thanks and enjoy your weekend.
Mike

-----Original Message-----

From: Michael Rozen
Sent: Tuesday, October 28, 2014 9:44 AM
To: 'Stennes, Libretta Porta'; Camille Biros; Jackie Zins
Cc: R. Edison Hill; HGDeitzler@HPCBD.Com; Larry A. Winter Esq. (lwinter@wjh-law.com); Susan M. Robinson (srobinson@tcspllc.com); Mary-Erin Mariani (mary-erin.mariani@usa.dupont.com); Bilott, Robert A.
Subject: RE: Leach v. DuPont: Medical Monitoring Call

All: Camille, Jackie and I can do the call on Friday at 10:30 am eastern. Does that work for everyone else for this week only?

Also, just a reminder about getting to us by tomorrow at noon your views regarding additional notice.

Thanks.

M

-----Original Message-----

From: Stennes, Libretta Porta [mailto:LStennes@steptoe.com]
Sent: Tuesday, October 28, 2014 9:40 AM
To: Michael Rozen; Camille Biros; Jackie Zins
Cc: R. Edison Hill; HGDeitzler@HPCBD.Com; Larry A. Winter Esq. (lwinter@wjh-law.com); Susan M. Robinson (srobinson@tcspllc.com); Mary-Erin Mariani (mary-erin.mariani@usa.dupont.com); Bilott, Robert A.
Subject: RE: Leach v. DuPont: Medical Monitoring Call

Mike -- I have a travel conflict with the regular time slot for our call this Thursday. Could we move the call to a time slot on Friday?

Libby

DRAFT

Updated Numbers to be Inserted

MEMORANDUM

TO: The Honorable Alan D. Moats and All Parties
Jack Leach, et al. v. E.I. du Pont de Nemours and Co.,
C-8 PFOA Medical Monitoring Program

FROM: Michael K. Rozen, Director of Medical Monitoring

RE: Status Report of the Director

DATE: November __, 2014

On November 20, 2012, the Court appointed Michael K. Rozen, Esq. as Director of Medical Monitoring (the "Director") in this matter to oversee the implementation of the Medical Panel Protocols for the Medical Monitoring Program (the "Program"). The Director previously submitted to the Court reports summarizing the progress and status of planning for implementation of the Medical Panel Protocols on September 20, 2013, November 19, 2013 and April 28, 2014.

The Program has now been launched. Notice was mailed to approximately 98,000 potential Class Members in the beginning of September and claimants are now registering, making appointments for monitoring and receiving monitoring pursuant to the Medical Panel Protocols. This Status Report of the Director summarizes the progress of the Program to date.

I. Background

In February 2005, The Circuit Court of Wood County, West Virginia approved a class action settlement ("the Settlement") between Plaintiffs and E.I. du Pont de Nemours and Co. ("DuPont"), the defendant, in a civil class action lawsuit styled *Jack Leach, et al. v. E.I. du Pont de Nemours and Co.,* Civil Action No. 01-C-608. The litigation involved claims arising from alleged contamination of human drinking water supplies with a chemical known as ammonium perfluorooctanoate (hereinafter "C-8") attributable to releases from DuPont's Washington Works Plant in Wood County, West Virginia.

As part of the Settlement, Class Counsel and DuPont selected an independent panel of three epidemiologists (the "Science Panel") to conduct and evaluate studies to answer the question whether a "Probable Link" exists between exposure to C-8 among Class Members and serious human disease ("Human Disease"). After lengthy studies, in which many class members participated, the Science Panel found that there is a "Probable Link" between exposure to C-8 and the following Human Diseases: (1) pregnancy-induced hypertension (including preeclampsia), (2) kidney cancer, (3) testicular cancer, (4) thyroid disease, (5) ulcerative colitis, and (6) diagnosed high cholesterol (hypercholesterolemia). The Settlement Agreement defines a "Probable Link" to mean that, based

upon the weight of the available scientific evidence, it is more likely than not that there is a link between exposure to C-8 and these Human Diseases. The Science Panel did not find that a Probable Link exists for any other Human Diseases.

As called for by the Settlement, the parties selected an independent panel of three medical doctors (the "Medical Panel") to determine whether and when medical monitoring for Class Members is appropriate for the six Human Diseases linked to C-8 exposure by the Science Panel. The Medical Panel released a final Protocol identifying initial recommended medical monitoring procedures for Class Members for each of these Human Diseases. The Medical Panel will issue an additional Protocol specifying the frequency and duration of these recommended tests, and Class Members will receive an additional notice addressing those issues when that additional Protocol is released. The Medical Panel has not yet provided an estimated time for release of the additional Protocol, but it is unlikely to be issued before the first quarter of 2015 given the Panel's need to study de-identified data derived from the current monitoring Program.

II. Implementation of the Program

The Director is administering and supervising the daily operation of the Program and the activities of the two primary vendors through daily interaction including review of all Program documents, quality control of the tasks delegated to the vendors, review and approval of provider invoices for services rendered to Class Members and ongoing decision-making for issues arising throughout the course of the Program. The two vendors assisting the Director in implementing the Program and with which the Director interacts on a daily basis, are: (1) Garden City Group Inc., ("GCG") the Administrator of the Settlement Agreement, which has mailed notice and is managing the electronic claims and paper claims filing system, the supporting documentation repository and the Call Center; and (2) HealthSmart, which is providing approximately 400 primary care providers and 100 specialists in the affected target areas of the Program. The Director is assuring that the provision and training of health care providers meets the standards of the Program and the needs of the Class Members. Claimants have been submitting Class Member Registration and Eligibility Forms. Eligibility determinations are being made, Class Members are making appointments with participating physicians and are now beginning to be monitored by participating physicians. The Daily Summary Report for November _____, which sets forth statistics relating to the progress of the Program, is attached to this Status Report as Exhibit A. The status of the Program, including greater explication of the statistics shown in Exhibit A, is set forth below.

A: Administration

Notice Packets

- On September 2, 2014, 98,686, Notice Packets were mailed to potential Class Members; an additional 243 notice packets have been sent upon request subsequent to the initial mailing. The Notice Packets included: (1) a Transmittal Letter with instructions; (2) a Registration and Eligibility Form to be filled out by the claimant; (3) a summary of the Medical Panel Protocols regarding the eligible population, screening

tests and follow up/diagnostic pathways for each of the six diseases; and (4) a consent to release medical information (HIPPA) form to be filled out by claimants who elect to register.

Website

- The Medical Monitoring website, <http://www.c-8medicalmonitoringprogram.com/>, went live on September 2, 2014. The website includes: (1) Notice; (2) a List of the Affected Water Sources; (3) Online Registration and Eligibility Forms for Download; (4) Information on the C-8 Medical Monitoring Program Screening Tests prepared by the Medical Panel; (5) an online filing portal for submitting Registration and Eligibility Forms or supporting documents electronically; (6) a search engine to enable Class Members to locate a participating physician in an area convenient to the Class Member;¹ (7) the Settlement Agreement; and (8) Frequently Asked Questions.

Publication Notice

- Publication of Summary Notice as set forth by the Court's Order Regarding Sending Class Notice Dated October 30, 2013, was published in local and regional publications the week of September 8, 2014 and in Parade Magazine on September 14, 2014.

Call Center

- The Call Center went live on September 2, 2014. Through November ____, 2014, [] calls have been received by the Call Center, ____ of which were handled by the Interactive Voice Response system and ____ of which were handled by a live operator.

Town Halls

- The Director held five town hall meeting at four separate locations on September 22, 2014 and September 23, 2014. The meetings were held in (1) Point Pleasant, West Virginia; (2) Parkersburg, West Virginia; (4) Pomeroy, Ohio and (5) Belpre, Ohio. At the town halls, the Director made presentations addressing all aspects of the Program and also answered questions. In addition, vendor personnel were at the town halls answering questions and assisting claimants in filing Registration and Eligibility Forms online.

Eligibility Determinations

¹ Class Members call the Program's toll free number so that the Program can schedule a screening appointment for them with a conveniently located participating physician. Class Members may also, if they wish, search for a participating physician on the website so that they may request the Program to make an appointment with a specific participating provider.

- After receipt of Eligibility and Registration Forms, the Program makes eligibility determinations. The Administrator reviews all documentation to determine eligibility. When an issue regarding a particular Registrant's eligibility arises, the Director's office reviews and determines the claim. Currently, determination decisions are made within 48 hours.
- The data base which the Administrator obtained from the C-8 Science Panel Study ("the C-8 Study") includes documents submitted by potential Class Members to the C-8 Study. Registrants who participated in the C-8 Study may rely upon previously submitted documentation to demonstrate eligibility to the extent that the documentation complies with the eligibility requirements of the Program. For these Registrants, the Program will review the data from the C-8 Study to determine eligibility. Other potential Class Members will submit documentation of eligibility.
- After a determination regarding eligibility is made in accordance with the Program criteria, the Registrant is sent an eligibility determination letter either accepting the Registrant into the Program, denying the claim, or notifying the Registrant that the claim is deficient. Deficiency notices indicate why the Registration is deficient and how to cure the deficiency. Registrants who have not submitted proof of water consumption during the relevant period are advised that they may request a confirming letter from the relevant Water District to show eligibility. The Program provides the Registrant with telephone numbers for the Water Districts.
- As of [November __, 2014,] Registrations were received; [] of which have been processed. Of the Registrations processed, [] Registrants have been deemed to be Eligible Class Members, [] were determined to be duplicative of other registrations, [] were deemed ineligible and [] were deficient.] The majority of deficient Registrations were lacking documentation to demonstrate consumption of water for one year prior to December 4, 2004, or had provided documentation without an address to link the Registrant to an eligible address. Through the deficiency process the Program will work with these Registrants to establish eligibility if possible.

Medical Monitoring

- All Registrants who are deemed to be an Eligible Class Member are sent a Medical Monitoring Packet which includes information about how to make an appointment with a conveniently located participating physician for medical monitoring. The Medical Monitoring Packet also includes a Class Member Screening Questionnaire for the Class Member to fill out and Instructions for Physicians. Class Members are instructed to take these forms with them to their screening appointment.
- The Class Member Screening Questionnaire requests that the Class Member indicate if he or she has been diagnosed with any of the six Probable Link Conditions and repeats

the statement in the Notice that Class Members who have been diagnosed with a Probable Link Condition do not need and the costs will not be paid for that particular screening test. DuPont has pointed out to the Director that some Class Members have filed personal injury claims against DuPont for a Probable Link Condition(s) and that these Class Members in all probability have been diagnosed with such Probable Link Condition(s). After discussion with the Director, the parties have agreed that the Program and the participating physicians may rely upon self-reporting by Class Members of a prior diagnosis without further investigation into the bases for individual lawsuits.

- The Program's network of providers gives 99.6% of the Class Members easy access to a primary care physician or specialty care physician. The average distance for Class Members to the closest Primary Care Physician is 4.5 miles and for Specialty Care Physicians is 2.7 miles.
- HealthSmart providers have been educated and continue to be educated about the Program. HealthSmart has mailed over 14,500 information packets to contracted providers, made in-person visits to providers, and conducted over 30 educational webinars. Webinars will be regularly scheduled throughout the life of the Program. HealthSmart has also established a dedicated telephone line to respond to questions by providers.
- As of _____, _____ Class Members have made appointments with screening physicians.

B. Communications

- The Director has been sending the Daily Summary Report, exemplified by Exhibit A, to the parties at the close of business every day. Daily reporting will continue throughout the month of November but will be reduced to weekly reporting thereafter. Such weekly reports will be circulated at the close of business every Friday.
- The parties and Director are in constant email communication discussing issues that arise regarding implementation of the Program. In addition, the Director holds weekly status calls with the parties every Thursday morning.
- The Director, GCG, and HealthSmart are in daily contact to respond to ongoing issues and to refine any aspects of the Program as necessary.

C. Further Outreach

- The Director is of the view that at this juncture in the Program further outreach to potential Class Members would be beneficial. The Program is now fully operational and an additional series of town halls in the affected communities (publicized in local newspapers) would allow those potential and current Class Members who may have questions about

the Program to hear a presentation from the Director and raise whatever issues they might have regarding either registration and eligibility or how the Program is progressing. A locally publicized announcement would further alert the communities that the Program is up and running and would be particularly beneficial to those potential Class Members who do not have access to computers and the Program's website.

- The Director has raised with the Parties his view that further town halls --to be publicized in local newspapers --are appropriate at this point. The Parties disagreed on this issue and the Director thereafter spoke separately with the Parties in an attempt to reach a consensus. The parties continue to disagree.
- The Director recommends that the Court approve the scheduling of additional town hall meetings in the impacted communities and an announcement regarding the Program and the town hall schedule, to be printed in local newspapers prior to the town halls. The Director has determined that the costs of a one-quarter page announcement in the nine local newspapers included in the Program's original Publication Notice would be \$18,388. The cost of renting facilities for the town halls would be approximately \$2,000. There will also be additional costs for the Program personnel who participate in these town halls. The Director recognizes that this request for additional notice and town hall meetings is outside the scope of the Parties' Settlement Agreement and emphasizes both that this is in the best interests of the class and will not be repeated hereafter (i.e., there will be no further recommendations by the Director for additional outreach to the class).

EXHIBIT G

Bilott, Robert A.

From: Bilott, Robert A.
Sent: Monday, November 17, 2014 12:57 PM
To: Michael K. Rozen (mkrozen@feinbergrozen.com); Camille Biros (CBiros@feinbergrozen.com); Jackie Zins (jzins@feinbergrozen.com)
Cc: 'R. Edison Hill'; HGDeitzler@HPCBD.Com; Larry A. Winter Esq. (lwinter@wjh-law.com); Libretta Porta Stennes Esq. (lstennes@steptoe.com); Susan M. Robinson (srobinson@tcspllc.com); Mary-Erin Mariani (mary-erin.mariani@usa.dupont.com)
Subject: Leach v. DuPont: Plaintiffs' Comments on Draft Director Status Report
Attachments: Director Status Report Draft November 14 2014.docx

Per your request, Plaintiffs' Class Counsel are submitting for your review/consideration some comments/questions/proposed edits (attached in redline) to the Director's draft status report.

DRAFT

Updated Numbers to be Inserted

MEMORANDUM

TO: The Honorable Alan D. Moats and All Parties
Jack Leach, et al. v. E.I. du Pont de Nemours and Co.,
C-8 PFOA Medical Monitoring Program

FROM: Michael K. Rozen, Director of Medical Monitoring

RE: Status Report of the Director

DATE: November __, 2014

On November 20, 2012, the Court appointed Michael K. Rozen, Esq. as Director of Medical Monitoring (the "Director") in this matter to oversee the implementation of the Medical Panel Protocols for the Medical Monitoring Program (the "Program"). The Director previously submitted to the Court reports summarizing the progress and status of planning for implementation of the Medical Panel Protocols on September 20, 2013, November 19, 2013 and April 28, 2014.

The Program has now been launched. Notice was mailed to approximately 98,000 potential Class Members in the beginning of September and claimants are now registering, making appointments for monitoring and receiving monitoring pursuant to the Medical Panel Protocols. This Status Report of the Director summarizes the progress of the Program to date.

I. Background

In February 2005, The Circuit Court of Wood County, West Virginia approved a class action settlement ("the Settlement") between Plaintiffs and E.I. du Pont de Nemours and Co. ("DuPont"), the defendant, in a civil class action lawsuit styled *Jack Leach, et al. v. E.I. du Pont de Nemours and Co.*, Civil Action No. 01-C-608. The litigation involved claims arising from alleged contamination of human drinking water supplies with a chemical known as ammonium perfluorooctanoate (hereinafter "C-8") attributable to releases from DuPont's Washington Works Plant in Wood County, West Virginia.

As part of the Settlement, Class Counsel and DuPont selected an independent panel of three epidemiologists (the "Science Panel") to conduct and evaluate studies to answer the question whether a "Probable Link" exists between exposure to C-8 among Class Members and serious human disease ("Human Disease"). After lengthy studies, in which many Class Members participated, the Science Panel found that there is a "Probable Link" between exposure to C-8 and the following Human Diseases: (1) pregnancy-induced hypertension (including preeclampsia), (2) kidney cancer, (3) testicular cancer, (4) thyroid disease, (5) ulcerative colitis, and (6) diagnosed high cholesterol (hypercholesterolemia). The Settlement Agreement defines a "Probable Link" to mean that, "based

upon the weight of the available scientific evidence, it is more likely than not that there is a link between exposure to C-8 and these Human Diseases among Class Members." The Science Panel did not find that a Probable Link exists for any other Human Diseases.

As called for by the Settlement, the parties selected an independent panel of three medical doctors (the "Medical Panel") to determine whether and when medical monitoring for Class Members is appropriate for the six Human Diseases linked to C-8 exposure by the Science Panel. The Medical Panel released a final Protocol identifying initial recommended medical monitoring procedures for Class Members for each of these Human Diseases. The Medical Panel will issue an additional Protocol specifying the frequency and duration of these recommended tests, and Class Members will receive an additional notice addressing those issues when that additional Protocol is released. The Medical Panel has not yet provided an estimated time for release of the additional Protocol, [but it is unlikely to be issued before the first quarter of 2015 given the Panel's need to study de-identified data derived from the current monitoring Program] [QUESTION: What is this last statement based on? Did the Medical Panel provide the Director with some additional update in this regard?].

II. Implementation of the Program

The Director is administering and supervising the daily operation of the Program and the activities of the two primary vendors through daily interaction including review of all Program documents, quality control of the tasks delegated to the vendors, review and approval of provider invoices for services rendered to Class Members and ongoing decision-making for issues arising throughout the course of the Program. The two vendors assisting the Director in implementing the Program and with which the Director interacts on a daily basis, are: (1) Garden City Group Inc., ("GCG") the Administrator of the Settlement Agreement, which has mailed notice and is managing the electronic claims and paper claims filing system, the supporting documentation repository and the Call Center; and (2) HealthSmart, which is providing approximately 400 primary care providers and 100 specialists in the affected target areas of the Program. The Director is assuring that the provision and training of health care providers meets the standards of the Program and the needs of the Class Members. Claimants have been submitting Class Member Registration and Eligibility Forms. Eligibility determinations are being made, Class Members are making appointments with participating physicians and are now beginning to be monitored by participating physicians. The Daily Summary Report for November _____, which sets forth statistics relating to the progress of the Program, is attached to this Status Report as Exhibit A. The status of the Program, including greater explication of the statistics shown in Exhibit A, is set forth below.

A: Administration

Notice Packets

- On September 2, 2014, 98,686 Notice Packets were mailed to potential Class Members; an additional 243 notice packets have been sent upon request subsequent to the initial mailing. The Notice Packets included: (1) a Transmittal Letter with instructions; (2) a Registration and Eligibility Form to be filled out by the claimant; (3) a

summary of the Medical Panel Protocols regarding the eligible population, screening tests and follow up/diagnostic pathways for each of the six diseases; and (4) a consent to release medical information (HIPPA) form to be filled out by claimants who elect to register.

Website

- The Medical Monitoring website, <http://www.c-8medicalmonitoringprogram.com/>, went live on September 2, 2014. The website includes: (1) Notice; (2) a List of the Affected Water Sources; (3) Online Registration and Eligibility Forms for Download; (4) Information on the C-8 Medical Monitoring Program Screening Tests prepared by the Medical Panel; (5) an online filing portal for submitting Registration and Eligibility Forms or supporting documents electronically; (6) a search engine to enable Class Members to locate a participating physician in an area convenient to the Class Member;¹ (7) the Settlement Agreement; and (8) Frequently Asked Questions.

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Call Center

- The Call Center went live on September 2, 2014. Through November ____, 2014, [] calls have been received by the Call Center, ____ of which were handled by the Interactive Voice Response system and ____ of which were handled by a live operator.

Town Halls

- The Director held five town hall meeting at four separate locations on September 22, 2014 and September 23, 2014. The meetings were held in (1) Point Pleasant, West Virginia; (2) Parkersburg, West Virginia; (4) Pomeroy, Ohio- and (5) Belpre, Ohio. These initial town hall meetings were attended by {x} people but were not advertised or publicized by the Director's office, beyond being noted in the published class notice and on the Medical Monitoring Program website. At the town halls, the Director made presentations addressing all aspects of the Program and also answered questions. In addition, vendor personnel were at the town halls answering questions and assisting claimants in filing Registration and Eligibility Forms online.

¹ Class Members call the Program's toll free number so that the Program can schedule a screening appointment for them with a conveniently located participating physician. Class Members may also, if they wish, search for a participating physician on the website so that they may request the Program to make an appointment with a specific participating provider.

Eligibility Determinations

- After receipt of Eligibility and Registration Forms, the Program makes eligibility determinations. The Administrator reviews all documentation to determine eligibility. When an issue regarding a particular Registrant's eligibility arises, the Director's office reviews and determines the claim. Although initial determinations took longer,
currently, determination decisions are made within 48 hours.
- The data base which the Administrator obtained from the C-8 ~~Health Project~~ Science Panel Study ("the C-8 Study") includes documents submitted by potential Class Members to the C-8 Study. Registrants who participated in the C-8 Study may rely upon previously submitted documentation to demonstrate eligibility to the extent that the documentation complies with the eligibility requirements of the Program. For these Registrants, the Program will review the data from the C-8 Study to determine eligibility. Other potential Class Members will submit documentation of eligibility.
- After a determination regarding eligibility is made in accordance with the Program criteria, the Registrant is sent an eligibility determination letter either accepting the Registrant into the Program, denying the claim, or notifying the Registrant that the claim is deficient. Deficiency notices indicate why the Registration is deficient and how to cure the deficiency. Registrants who have not submitted proof of water consumption during the relevant period are advised that they may request a confirming letter from the relevant Water District to show eligibility. The Program provides the Registrant with telephone numbers for the Water Districts.
- As of [November __, 2014,] Registrations were received; [] of which have been processed. Of the Registrations processed, [] Registrants have been deemed to be Eligible Class Members, [] were determined to be duplicative of other registrations, [] were deemed ineligible and [] were deficient.] The majority of deficient Registrations [specify number] were lacking documentation to demonstrate consumption of water for one year prior to December 4, 2004, or had provided documentation without an address to link the Registrant to an eligible address. The first deficiency letters began to be sent to Registrants the week of November 3, 2014. Through the deficiency process the Program will work with these Registrants to establish eligibility if possible.

Medical Monitoring

- All Registrants who are deemed to be an Eligible Class Member are sent a Medical Monitoring Packet which includes information about how to make an appointment with a conveniently located participating physician for medical monitoring. The Medical Monitoring Packet also includes a Class Member Screening Questionnaire for the Class Member to fill out and Instructions for Physicians. Class Members are instructed to take these forms with them to their screening appointment.

- The Class Member Screening Questionnaire requests that the Class Member indicate if he or she has been diagnosed with any of the six Probable Link Conditions and repeats the statement in the Notice that Class Members who have been diagnosed with a Probable Link Condition do not need and the costs will not be paid for that particular screening test. DuPont has pointed out to the Director that some Class Members have filed personal injury claims against DuPont for a Probable Link Condition(s) and that these Class Members in all probability have been diagnosed with such Probable Link Condition(s). After discussion with the Director, the parties have agreed that the Program and the participating physicians may rely upon self-reporting by Class Members of a prior diagnosis without further investigation into the bases for individual lawsuits.
- The Program's network of providers gives 99.6% of the Class Members easy access to a primary care physician or specialty care physician. The average distance for Class Members to the closest Primary Care Physician is 4.5 miles and for Specialty Care Physicians is 2.7 miles.
- HealthSmart providers have been educated and continue to be educated about the Program. HealthSmart has mailed over 14,500 information packets to contracted providers, made in-person visits to providers, and conducted over 30 educational webinars. Webinars will be regularly scheduled throughout the life of the Program. HealthSmart has also has established a dedicated telephone line to respond to questions by providers. [QUESTION: Has HealthSmart submitted any bills to anyone for any of this yet?]
- As of _____, _____ Class Members have made appointments with screening physicians. Appointments are being scheduled, on average, within _____ days of the request. No Class member who has been deemed eligible and has requested an appointment to obtain screening under the Program has been denied an appointment through the Program. In any situation where the Director has been advised that there has been any appointment scheduling or physician participation issue, the Director has made sure that the issue is resolved promptly so that the eligible Registrant is able to proceed promptly with their requested appointment.
- As of November _____, \$ _____ has actually been spent from the Medical Monitoring Fund to pay for Class Member Medical Monitoring.
- [BUDGET? Clarify currently estimated monthly/annual charges by Director, Garden City, HealthSmart?]

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B. Communications

- The Director has been sending the Daily Summary Report, exemplified by Exhibit A, to the parties at the close of business every day. Daily reporting to the parties will continue throughout the month of November but will be reduced to weekly reporting thereafter. Such weekly reports will be circulated to the parties at the close of business every Friday.
- The parties and Director are in constant email communication discussing issues that arise regarding implementation of the Program (copied to both sides), although issues relating to any individual Registrant or potentially revealing any such Registrant's identity are not and will not be discussed or addressed with DuPont (per the agreement of all parties) so as to protect such individual's privacy. In addition, the Director holds weekly status calls with the parties every Thursday morning.
- The Director, GCG, and HealthSmart are in daily contact to respond to ongoing issues and to refine any aspects of the Program as necessary.

C. Further Outreach

- The Director is of the view that at this juncture in the Program further outreach to potential Class Members would be beneficial. The Program is now fully operational and an additional series of town halls in the affected communities (publicized in local newspapers) would allow those potential and current Class Members who may have questions about the Program to hear a presentation from the Director and raise whatever issues they might have regarding either registration and eligibility or how the Program is progressing, in addition to receiving on-the-spot assistance in actually filling out and submitting Program eligibility forms or resolving deficiency questions. A locally publicized announcement would further alert the communities that the Program is up and running and would be particularly beneficial to those potential Class Members who do not have access to computers and the Program's website.
- The Director has raised with the Parties his view that further town halls --to be publicized in local newspapers --are appropriate at this point. The Parties disagreed on this issue and the Director thereafter spoke separately with the Parties in an attempt to reach a consensus. Although Plaintiffs' Class Counsel strongly supports the idea of any and all such additional outreach, DuPont~~The parties~~ continues to disagree.
- The Director recommends that the Court approve the scheduling of additional town hall meetings in the impacted communities and an announcement regarding the Program and the town hall schedule, to be printed in local newspapers prior to the town halls. The Director has determined that the costs of a one-quarter page announcement in the nine local newspapers included in the Program's original Publication Notice would be \$18,388. The cost of renting facilities for the town halls would be approximately \$2,000. There will also be additional costs for the Program personnel who participate in these town halls. The Director recognizes that this request for additional notice and town hall meetings may be

viewed as outside the scope of the Parties' Settlement Agreement but notes that the subsequent Order appointing the Director (at the joint request of the parties) authorizes broader implementation services beyond class "notice". The Director further and emphasizes both that this is in the best interests of the class and does not anticipate making will not be repeated hereafter (i.e., there will be no further recommendations by the Director for such additional outreach to the class).

EXHIBIT H

C-8 Medical Monitoring Program

C-8MedicalMonitoringProgram.com

DAILY SUMMARY REPORT

as of November 24, 2014 at 4:06 pm Eastern

POTENTIAL PARTICIPANTS

	TOTAL PARTICIPANTS
Potential Participants Sent Notice Packet	98,948
Registrations Received*	5,891
a. Eligible for Medical Monitoring	4,240
b. Duplicate Registrations	281
c. Ineligible (see page 2 for details)	74
d. Deficient (see page 2 for details)	1,236
e. Under Review	60
Physician Appointments Made by Eligible Class Members	466
Physician Appointments Requested with Non HealthSmart Providers	4

*If confirmed as a participant in the C-8 Health Study, the Program will use documentation on hand to confirm eligibility for Medical Monitoring.

PAYMENTS

	WEEK ENDING 11/28/2014	CUMULATIVE TO DATE
Number of Claims Paid (for 11 Registrants)	0	14
Total amount of Claims Paid	\$0	\$1,956.92

C-8 HEALTH STUDY PARTICIPANTS

	WEEK ENDING 11/28/2014	CUMULATIVE REGISTRANTS TO DATE
Participant	4	5,427
Non-Participant	1	464

WATER DISTRICTS / SOURCES (AS REPORTED BY REGISTRANT)*

	WEEK ENDING 11/28/2014	CUMULATIVE REGISTRANTS TO DATE
Little Hocking Water Association	1	1,220
Lubeck Public Service District	2	1,333
City of Belpre	1	880
Mason County Public Service District	0	1,224
Tuppers Plains - Chester Water District	1	1,186
Village of Pomeroy	0	393
Private Water Sources	0	322
Water District Not Identified by Registrant	2	336

*Registrant may indicate multiple Water Districts / Sources.

C-8 Medical Monitoring Program

C-8MedicalMonitoringProgram.com

REGISTRANT DEFICIENCY REASONS

	TOTAL PARTICIPANTS
Deficient Registrants**	1,236
Registrants with only Administrative Deficiencies (Authorized Representative Documents Insufficient or not Provided; Registrant DOB/SSN/Gender not Provided; Missing Signature; Identity not Verified; and/or Pending Address Confirmation by Water District)	135
Registrants with Documentation Deficiencies ***	1,101
Documentation not Provided	74
Documents submitted do not establish a period of one year prior to December 4, 2004	283
Documents Submitted are not Legible	22
Documents with No Identification that Connects to Registrant	10
Documents with No Address	712

**Each Registrant may be deficient for one or more reasons

***98 Registrants with Documentation Deficiencies also have Administrative Deficiencies

INELIGIBLE REGISTRANTS

	TOTAL PARTICIPANTS
Ineligible Registrants	74
Previously Opted-Out of the Class	0
Registrant Born on or After December 4, 2003	3
Registrants Whose Private Water Sources Tested Below 0.05 ppb of PFOA	0
Registrations Filed on behalf of Deceased Individuals	71

CALL CENTER ACTIVITY

	WEEK ENDING 11/28/2014	CUMULATIVE CALLS TO DATE
Calls Received	20	2,547
a. Interactive Voice Response ("IVR") Only	1	510
b. Live Operator	19	2,037

WEBSITE ACTIVITY

	WEEK ENDING 11/28/2014	CUMULATIVE TO DATE
Unique Visitors	26	4,122
Page Views	71	10,444

C-8 Medical Monitoring Program

C-8MedicalMonitoringProgram.com

TIME TO APPOINTMENTS

	TOTAL
7 days or less	116
8-15 days	139
16-24 days	73
More than 24 days	138

APPOINTMENTS BY MEDICAL MONITORING PARTICIPANT LOCATION

ZIP CODE	TOTAL
26101	41
45714	36
45769	24
25123	23
25550	21
45750	21
26181	16
45723	16
45771	15
26104	13
45772	11
45760	10
26105	10
45742	9
45784	9
25541	8
25287	8
25241	8
26164	7
26150	6
45724	6
45631	5
45701	5
45710	5
25253	5
26184	5
26187	5
25801	4
25502	4
45743	4
43105	4
43787	3
25515	3
25239	3
26133	3
26142	3
45775	3
45778	3
45786	2
45623	2
45745	2
45770	2
74959	2
78624	2

89130	2
26103	2
25260	2
25265	2
25414	2
25701	2
45177	2
45720	2
45728	2
45729	2
45735	2
45740	2
43130	2
40517	2
43204	2
26180	2
29715	2
32533	2
34957	1
39564	1
26161	1
43231	1
43026	1
43140	1
43149	1
43160	1
45744	1
45255	1
45039	1
45711	1
45694	1
25705	1
25559	1
25503	1
25314	1
26143	1
26146	1
26288	1
26330	1
26346	1
26421	1
26426	1
26508	1
26554	1
45773	1
45764	1
45788	1
46311	1
45779	1
45782	1
45783	1

EXHIBIT I

February 20, 2013

Invoice submitted to:
c/o Garden City Group
Re: DuPont Leach Class Action Settlement
Medical Monitoring Program
Invoice for Feinberg Rozen, LLP

20

FEINBERG ROZEN, LLP

1455 PENNSYLVANIA AVENUE, N.W., SUITE 390, WASHINGTON, D.C. 20004-1008

FEDERAL ID# 52-2132680

TELEPHONE (202) 371-1110 FAX (202) 962-9290

FOR PROFESSIONAL SERVICES RENDERED

Invoice # 13670

In Reference To:

Please remit payment
via Wire Transfer to:
Feinberg Rozen, LLP
Bank of America
Account No.: 392 009 4766
ABA Transfer No.: 026 009 593

Tax ID No. 52-2132680

For services being provided by Feinberg Rozen, LLP for the development of a Medical Monitoring Program in the *Leach Class Action Settlement Agreement* matter. This invoice is submitted in accordance with a flat fee billing arrangement between Feinberg Rozen, LLP, Dupont and pertinent plaintiff class counsel. Services provided cover fees and disbursements for the period November 20, 2012 (the date of the Court Order appointing Michael K Rozen as the Director of Medical Monitoring) through February 28, 2013 and include: participation in a series of meetings and numerous conference calls with the Company, plaintiff counsel and the Medical Panel to begin development of a process to implement a series of medical protocols, procedures, claim forms, etc., to be used in the Medical Monitoring of claimants deemed eligible to participate in the Program.

	<u>Amount</u>
For professional services rendered	\$250,000.00
Additional Charges	
\$Air/train fare	483.90
\$Courier Ser.	58.17
\$Duplicating	138.75
Total additional charges	<u>\$680.82</u>
Total amount of this bill	<u><u>\$250,680.82</u></u>

March 01, 2013

Invoice submitted to:

c/o Garden City Group

Re: DuPont Leach Class Action Settlement

Medical Monitoring Program

Invoice for Feinberg Rozen, LLP

20

FEINBERG ROZEN, LLP

1455 PENNSYLVANIA AVENUE, N.W., SUITE 390, WASHINGTON, D.C. 20004-1008

FEDERAL ID# 52-2132680

TELEPHONE (202) 371-1110 FAX (202) 962-9290

FOR PROFESSIONAL SERVICES RENDERED

Invoice # 13671

In Reference To:

Please remit payment

via Wire Transfer to:

Feinberg Rozen, LLP

Bank of America

Account No.: 392 009 4766

ABA Transfer No.: 026 009 593

Tax ID No. 52-2132680

For ongoing services being rendered by Feinberg Rozen, LLP during the period March 1 through March 31, 2013 for the design, implementation and development of a Medical Monitoring Program in the *Leach Class Action Settlement Agreement* matter. Services include the development of the processes and procedures to establish and implement a Medical Monitoring Program under the terms of the Class Action Settlement Agreement approved by the Court in February 2005.

Ongoing participation in a series of meetings and conference calls with the Company, plaintiff counsel and the Medical Panel; review and comment by the Administrator of the Medical Panel submission of the document entitled The Intent of the C-8 Medical Panel; ongoing discussions regarding the implementation of a series of medical protocols, procedures, claim forms, etc., to be used in the medical monitoring of claimants deemed eligible to participate in the Program.

Amount

For professional services rendered

\$250,000.00

Previous Balance

Invoice # 13670 dated February 20, 2013

\$250,680.82

Total Amount Due:

\$500,680.82

June 28, 2013

Invoice submitted to:
c/o Garden City Group
Re: DuPont Leach Class Action Settlement
Medical Monitoring Program
Invoice for Feinberg Rozen, LLP

20

FEINBERG ROZEN, LLP

1455 PENNSYLVANIA AVENUE, N.W., SUITE 390, WASHINGTON, D.C. 20004-1008

FEDERAL ID# 52-2132680

TELEPHONE (202) 371-1110 FAX (202) 962-9290

FOR PROFESSIONAL SERVICES RENDERED

Invoice # 13671

In Reference To:

Please remit payment
via Wire Transfer to:
Feinberg Rozen, LLP
Bank of America
Account No.: 392 009 4766
ABA Transfer No.: 026 009 593

Tax ID No. 52-2132680

For services rendered during the period May 1 - June 30, 2013 in connection with performance of tasks as Administrator in a medical monitoring class settlement entitled: DuPont Leach Class Action Settlement Agreement, including preparation for, and attendance at, meetings with plaintiff class counsel and DuPont officials and outside defense counsel in New York City and elsewhere. Preparation for, and attendance at, court sponsored hearings and meetings in West Virginia re: same. Preparation for, and attendance at, a meeting in Washington, DC with officials constituting the Medical Monitoring Panel in the above-captioned matter. Preparation of a proposed Phase I budget to encompass all current and future tasks associated with the medical monitoring program arising out of the above-captioned settlement; research and analysis of various tasks encompassing Phase I including, inter alia, eligibility criteria, claims submission requirements, implementation of medical panel recommendations, infrastructure of proposed claims process, proof requirements, tangential issues involving such matters as Medicare and Medicaid liens, etc.

This invoice is submitted pursuant to an Agreement entered into between DuPont, plaintiff class counsel and the Administrator.

Services for May 2013, \$250,000.
Services for June 2013, \$250,000

For professional services rendered

Amount
\$500,000.00

c/o Garden City Group

Page 2

Additional Charges :

	<u>Amount</u>
\$Air/train fare	8,790.55
\$Telephone/Conf.Call	<u>74.21</u>
Total additional charges	\$8,864.76
 Total amount of this bill	 <u><u>\$508,864.76</u></u>

Invoice submitted to:

August 5, 2013

20

Julie S. Mazza, Esq.
Corporate Counsel, Director
E.I. du Pont de Nemours and Company
1007 Market Street
Wilmington, DE 19898

FEINBERG ROZEN, LLP

1455 PENNSYLVANIA AVENUE, N.W., SUITE 390, WASHINGTON, D.C. 20004-1008

FEDERAL ID# 52-2132680

TELEPHONE (202) 371-1110 FAX (202) 962-9290

FOR PROFESSIONAL SERVICES RENDERED

Invoice #13672A

Please remit payment via Wire Transfer to:

Feinberg Rozen, LLP

Bank of America

Account No.: 392 009 4766

ABA Transfer No.: 026 009 593

Tax ID No. 52-2132680

In Reference To:

For services rendered during the period July 1 - July 31, 2013 in connection with the performance of tasks as Administrator in a medical monitoring class settlement entitled: *DuPont Leach Class Action Settlement Agreement*, including ongoing communication with plaintiff class counsel, DuPont officials and outside defense counsel in New York City and elsewhere. Preparation for, and attendance at, a meeting in Washington, DC with the members of the Medical Monitoring Panel in the above-captioned matter. Preparation and submission of a Phase I budget to encompass all current and future tasks associated with the medical monitoring program arising out of the above-captioned settlement; ongoing analysis of various tasks encompassing Phase I including, inter alia, eligibility criteria, claims submission requirements, implementation of medical panel recommendations, infrastructure of proposed claims process, proof requirements, tangential issues involving such matters as Medicare and Medicaid liens, etc.

This invoice is submitted pursuant to an Agreement entered into between DuPont, plaintiff class counsel and the Administrator.

For professional services rendered:

\$383,333.00

Total amount of this bill:

\$383,333.00

Invoice submitted to:

August 31, 2013

20

Julie S. Mazza, Esq.
Corporate Counsel, Director
E.I. du Pont de Nemours and Company
1007 Market Street
Wilmington, DE 19898

FEINBERG ROZEN, LLP

1455 PENNSYLVANIA AVENUE, N.W., SUITE 390, WASHINGTON, D.C. 20004-1008

FEDERAL ID# 52-2132680

TELEPHONE (202) 371-1110 FAX (202) 962-9290

FOR PROFESSIONAL SERVICES RENDERED

Invoice #13672B

Please remit payment via Wire Transfer to:

Feinberg Rozen, LLP

Bank of America

Account No.: 392 009 4766

ABA Transfer No.: 026 009 593

Tax ID No. 52-2132680

In Reference To:

For services rendered during the period August 1-August 31, 2013 in connection with the performance of tasks as Administrator in a medical monitoring class settlement entitled: *DuPont Leach Class Action Settlement Agreement*, including ongoing communication with plaintiff class counsel, DuPont officials and outside defense counsel in New York City and elsewhere. Preparation for, and attendance at, a meeting in Washington, DC with the members of the Medical Monitoring Panel in the above-captioned matter. Preparation and submission of a Phase I budget to encompass all current and future tasks associated with the medical monitoring program arising out of the above-captioned settlement; ongoing analysis of various tasks encompassing Phase I including, inter alia, eligibility criteria, claims submission requirements, implementation of medical panel recommendations, infrastructure of proposed claims process, proof requirements, tangential issues involving such matters as Medicare and Medicaid liens, etc.

This invoice is submitted pursuant to an Agreement entered into between DuPont, plaintiff class counsel and the Administrator.

For professional services rendered:

\$383,333.00

Total amount of this bill:

\$383,333.00

October 10, 2013

Invoice submitted to:

Julie S. Mazza, Esquire
Corporate Counsel, Director
E.I. DuPont de Nemours and Company
1007 Market Street
Wilmington DE 19898

20

FEINBERG ROZEN, LLP

1455 PENNSYLVANIA AVENUE, N.W., SUITE 390, WASHINGTON, D.C. 20004-1008

FEDERAL ID# 52-2132680

TELEPHONE (202) 371-1110 FAX (202) 962-9290

FOR PROFESSIONAL SERVICES RENDERED

Invoice # 13674

In Reference To:

Please remit payment
via Wire Transfer to:
Feinberg Rozen, LLP
Bank of America
Account No.: 392 009 4766
ABA Transfer No.: 026 009 593

Tax ID No. 52-2132680

For services rendered during the period September 1 through September 30, 2013 in connection with the performance of tasks as Medical Director in a class action settlement entitled: *Jack W. Leach, et al. v. E.I. DuPont de Nemours and Company*, including ongoing communication with plaintiff class counsel, DuPont officials and outside defense counsel in New York City and elsewhere; interview and review of proposals for services submitted by various vendors for administrative services to be provided to the Program; preparation of a comprehensive Status Report of the Medical Director dated September 20, 2013 for distribution to all parties in the above-captioned matter; preparation of the detailed Response of the Medical Director to Plaintiff's Class Counsel's Request for Additional Information/Clarification dated September 27, 2013 re: Status Report of the Medical Director; teleconferences with Medical Panel; attendance at Status Conference in the Wood County, West Virginia Circuit Court on September 30, 2013; ongoing preparation of draft Program documents.

This invoice is submitted pursuant to an Agreement entered into between DuPont, plaintiff class counsel and the Medical Director.

For professional services rendered	\$383,333.00
Additional Charges :	
\$Air/train fare	1,105.79
\$Courier Ser.	16.24
\$Duplicating	19.75
\$Other Travel-Taxis; Pkg., etc	1,240.51
\$Telephone/Conf.Call	114.02
Total additional charges	\$2,496.31

Total Amount of this Bill:

\$385,829.31

November 05, 2013

Invoice submitted to:
Julie S. Mazza, Esquire
Corporate Counsel, Director
E.I. DuPont de Nemours and Company
1007 Market Street
Wilmington DE 19898

20

FEINBERG ROZEN, LLP

1455 PENNSYLVANIA AVENUE, N.W., SUITE 390, WASHINGTON, D.C. 20004-1008
TELEPHONE (202) 371-1110 FAX (202) 962-9290

FEDERAL ID# 52-2132680

FOR PROFESSIONAL SERVICES RENDERED

Invoice # 13674

In Reference To: For services rendered during the period October 1 through October 31, 2013 in connection with the performance of tasks as Medical Director in a class action settlement entitled: *Jack W. Leach, et al. v. E.I. DuPont de Nemours and Company*, including ongoing communication with plaintiff class counsel, DuPont officials and outside defense counsel in New York City and elsewhere; review of comments received from the parties in response to the comprehensive Status Report of the Medical Director dated September 20, 2013; assisting the Medical Panel with formatting and implementation edits of draft program documents in conjunction with Medical Panel's ongoing review of screening parameters for each of the linked conditions; teleconferences with Medical Panel; teleconference meeting with Brookmar on October 24, 2013.

This invoice is submitted pursuant to an Agreement entered into between DuPont, plaintiff class counsel and the Medical Director.

	<u>Amount</u>
For professional services rendered	\$383,333.00
Additional Charges :	
\$Air/train fare	1,195.80
\$Courier Ser.	40.66
\$Duplicating	34.50
\$Meals	170.68
\$Other Out of Town Travel	38.00
\$OtherTravel-Taxis; Pkg., etc	598.04
\$Telephone/Conf.Call	229.00
Total additional charges	\$2,306.68
Total amount of this bill	<u>\$385,639.68</u>

Previous Balance:

Invoice #13674 dated October 10, 2013

Total Amount Due:

\$385,829.31

\$771,468.99

December 10, 2013

Invoice submitted to:

Julie S. Mazza, Esquire
Corporate Counsel, Director
E.I. DuPont de Nemours and Company
1007 Market Street
Wilmington DE 19898

20

FEINBERG ROZEN, LLP

1455 PENNSYLVANIA AVENUE, N.W., SUITE 390, WASHINGTON, D.C. 20004-1008

FEDERAL ID# 52-2132680

TELEPHONE (202) 371-1110 FAX (202) 962-9290

FOR PROFESSIONAL SERVICES RENDERED

Invoice # 13675

In Reference To: For services rendered during the period November 1 through November 30, 2013 in connection with the performance of tasks as Director of Medical Monitoring in a class action settlement captioned *Jack W. Leach, et al. v. E.I. DuPont de Nemours and Company*, including ongoing communication with plaintiff class counsel, DuPont officials, outside defense counsel and the Medical Panel, in New York City and elsewhere; preparation and distribution of the Status Report of the Medical Director dated November 19, 2013 (Status Report); conference calls with the parties to discuss issues presented in the Status Report; tasks associated with the development of the Medical Monitoring Program website (including but not limited to programming for electronic Class Member submission of eligibility forms and supporting documentation); identification and credentialing of targeted medical providers in the identified geographic areas; and implementation of a plan to initiate contact with providers and to begin evaluation of provider capacity and capabilities, etc.

This invoice is submitted pursuant to an Agreement entered into between DuPont, plaintiff class counsel and the Medical Director.

	<u>Amount</u>
For professional services rendered	\$383,333.00
Additional Charges :	
\$Courier Ser.	66.91
\$OtherTravel-Taxis; Pkg., etc	666.15
\$Telephone/Conf.Call	506.94
Total additional charges	<u>\$1,240.00</u>
Total amount of this bill	<u>\$384,573.00</u>
Previous Balance	
Invoice # 13674 dated 11/5/13	<u>\$385,639.68</u>
	<u>\$770,212.68</u>

Invoice submitted to:

Julie S. Mazza, Esquire
Corporate Counsel, Director
E.I. DuPont de Nemours and Company
1007 Market Street
Wilmington, DE 19898

January 07, 2014

20

FEINBERG ROZEN, LLP

1455 PENNSYLVANIA AVENUE, N.W., SUITE 390, WASHINGTON, D.C. 20004-1008

FEDERAL ID# 52-2132680

TELEPHONE (202) 371-1110 FAX (202) 962-9290

FOR PROFESSIONAL SERVICES RENDERED

Invoice # 13677

In Reference To: For services rendered during the period December 1 through December 31, 2013 in connection with the performance of tasks as Director of Medical Monitoring in a class action settlement captioned *Jack W. Leach, et al. v. E.I. DuPont de Nemours and Company*, including ongoing communication with plaintiff class counsel, DuPont officials, outside defense counsel and the Medical Panel; preparation and completion of Program website demo and distribution of same to all parties; distribution of draft documents pertaining to the identification and credentialing of health care providers; ongoing programming of electronic claims submission; begin drafting of a petition to the Court regarding the request of the Director of Medical Monitoring to obtain access to the C-8 Health Project Data for the purpose of providing notice to the Class Members.

This invoice is submitted pursuant to an Agreement entered into between DuPont, plaintiff class counsel and the Medical Director.

	<u>Amount</u>
For professional services rendered	\$383,333.00
Additional Charges :	
\$Sub. - Garden City Group	14,675.00
\$Telephone/Conf.Call	253.16
Total additional charges	\$14,928.16
Total amount of this bill	<u>\$398,261.16</u>

February 05, 2014

Invoice submitted to:

Julie S. Mazza, Esquire
Corporate Counsel, Director
E.I. DuPont de Nemours and Company
1007 Market Street
Wilmington, DE 19898

20

FEINBERG ROZEN, LLP

1455 PENNSYLVANIA AVENUE, N.W., SUITE 390, WASHINGTON, D.C. 20004-1008

FEDERAL ID# 52-2132680

TELEPHONE (202) 371-1110 FAX (202) 962-9290

FOR PROFESSIONAL SERVICES RENDERED

Invoice # 13678

In Reference To: For services rendered during the period January 1 through January 31, 2014 in connection with the performance of tasks as Director of Medical Monitoring in a class action settlement captioned *Jack W. Leach, et al. v. E.I. DuPont de Nemours and Company*. Services performed in January 2014 include: ongoing communication with plaintiff class counsel, DuPont officials, and DuPont outside defense counsel; preparation and completion of the Program website demo and distribution of the revised Program draft documents and website demo to all parties for review and comment; review the final edits and comments submitted by the parties to the Program documents and the website and finalize documents as requested; ongoing work with Garden City Group to finalize programming of the electronic claims submission process and final updates to website; finalize the Petition of the Director Of Medical Monitoring For Access To Sealed Identified Data for submission to the Court on January 14, 2014; discussion with Rick Hudson, counsel for Brookmar regarding submission of a revised proposal for Brookmar; attend the Court hearing in Parkersburg, West Virginia on January 31, 2014 re: the Court's Order dated January 13, 2014 regarding the role of Brookmar; and the Motion of E. I. du Pont de Nemours and Company for Disqualification of Honorable Judge Beane filed on January 30, 2014 and preparation of Director's first draft of a proposal for a revised role and scope of tasks for Brookmar.

	<u>Amount</u>
For professional services rendered	\$383,333.00
Additional Charges :	
\$Duplicating	24.75
\$Postage	24.75
\$Telephone/Conf.Call	170.90
Total additional charges	\$220.40
Total amount of this bill	<u>\$383,553.40</u>

April 07, 2014

Invoice submitted to:
Julie S. Mazza, Esquire
Corporate Counsel, Director
E.I. DuPont de Nemours and Company
1007 Market Street
Wilmington, DE 19898

20

FEINBERG ROZEN, LLP

1455 PENNSYLVANIA AVENUE, N.W., SUITE 390, WASHINGTON, D.C. 20004-1008
TELEPHONE (202) 371-1110 FAX (202) 962-9290

FEDERAL ID# 52-2132680

FOR PROFESSIONAL SERVICES RENDERED

Invoice # 13679

In Reference To: For services rendered during February and March 2014 in connection with work by the Director of Medical Monitoring in the design, implementation and administration of a Medical Monitoring Claims Program captioned *Jack W. Leach, et al. v. E.I. du Pont de Nemours & Company*. Services performed in February and March 2014 include editing and finalizing all program documentation in conjunction with the parties; finalizing the on-line website and electronic registration system and filing processes, reviewing procedures for implementation of a provider network including meetings with representatives of HealthSmart; reviewing HealthSmart budget proposals; ongoing meetings and teleconferences with Garden City Group; corresponding with the Medical Panel; and various teleconferences with the parties.

Pursuant to Agreement between the Director of Medical Monitoring and the Company:

Invoice for February 2014 Professional Services:	\$383,333.00
Invoice for March 2014 Professional Services:	\$425,000.00

Total for Professional Services:	\$808,333.00
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Additional Charges :

\$Air/train fare	17,713.49
\$Courier Ser.	27.26
\$Duplicating	124.00
\$Other Travel-Taxis; Pkg., etc	1,070.68
\$Outside Services - Troy Young	14,297.49
\$Telephone/Conf.Call	587.50
Total additional charges	\$33,820.42

Total amount of this bill	\$842,153.42
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May 06, 2014

Invoice submitted to:

Julie S. Mazza, Esquire
Corporate Counsel, Director
E.I. DuPont de Nemours and Company
1007 Market Street
Wilmington, DE 19898

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FEINBERG ROZEN, LLP

1455 PENNSYLVANIA AVENUE, N.W., SUITE 390, WASHINGTON, D.C. 20004-1008

FEDERAL ID# 52-2132680

TELEPHONE (202) 371-1110 FAX (202) 962-9290

FOR PROFESSIONAL SERVICES RENDERED

Invoice # 13680

In Reference To: Monitoring ongoing Claims Program captioned *Jack W. Leach, et al. v. E.I. du Pont de Nemours & Company*. Services performed in April 2014 include: final editing of program documentation in conjunction with comments from the parties; ongoing finalization of the on-line website and electronic registration system in preparation of the launch of the Medical Monitoring Program; ongoing scheduled working sessions in person, via video conference and/or teleconference with subcontractors Garden City Group and HealthSmart to educate HealthSmart regarding the program rules and designed processes and procedures and to coordinate the current plan for implementation of the program integrating the HealthSmart team and processes into the current process; review of the first draft of materials submitted by HealthSmart; review of the draft contracts for services submitted by HealthSmart and Garden City Group; review first drafts of provider education materials; work with HealthSmart to prepare the final CPT codes as approved by the Medical Panel; plan and outline the process for procedures for class member physician appointment scheduling; preparation of system for payment to providers, etc.; preparation for and completion of demonstration of Program website for the parties; follow up editing of the website based upon comments received during the demonstration; review memorandum from the Medical Panel regarding data points required to report information the Panel will require for preparation of Program reports to be developed and prepared for the Panel regarding de-identified class member testing results, diagnoses, etc.

For professional services rendered

Amount
\$450,000.00

Additional Charges :

\$Air/train fare	8,742.34
\$Courier Ser.	134.41
\$Duplicating	74.50
\$Meals	120.79
\$Telephone/Conf.Call	217.39
Total additional charges	<u>\$9,289.43</u>

Total amount of this bill

\$459,289.43

June 11, 2014

Invoice submitted to:

Julie S. Mazza, Esquire
Corporate Counsel, Director
E.I. DuPont de Nemours and Company
1007 Market Street
Wilmington, DE 19898

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FOR PROFESSIONAL SERVICES RENDERED

Invoice # 13681

In Reference To: Ongoing monitoring services of a Claims Program captioned *Jack W. Leach, et al. v. E.I. du Pont de Nemours & Company* for services performed in May 2014.
Services performed include: final editing of program documentation in conjunction with comments from the parties; ongoing finalization in conjunction with agreed upon edits and changes to the on-line website and electronic registration system in preparation of the launch of the Medical Monitoring Program; ongoing scheduled weekly process update meetings with Garden City Group, HealthSmart and Feinberg Rozen via video conference; weekly telephone conference meetings with DuPont and Plaintiff counsel representatives; teleconference with parties and members of the Medical Panel; ongoing review and discussion of contracts for services submitted by HealthSmart and Garden City Group; final review of provider education materials; discussion and correspondence with Troy Young and W. VA University regarding C-8 Program participant data to prepare for a procedure for reporting as set forth in a memorandum from the Medical Panel Program regarding reports to be developed and prepared for the Panel regarding de-identified class member testing results, diagnoses, etc.; ongoing discussions with parties re: same.

	<u>Amount</u>
For professional services rendered	\$475,000.00
Additional Charges :	
\$Air/train fare	443.00
\$Conf/Mtg. exp.	840.00
\$Duplicating	24.50
\$Meals	382.27
\$Other Out of Town Travel	337.72
\$Other Travel-Taxis; Pkg., etc	804.36
\$Telephone/Conf. Call	519.88
Total additional charges	\$3,351.73
Total amount of this bill	<u>\$478,351.73</u>

July 11, 2014

Invoice submitted to:
Julie S. Mazza, Esquire
Corporate Counsel, Director
E.I. DuPont de Nemours and Company
1007 Market Street
Wilmington, DE 19898

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FEDERAL ID# 52-2132680

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FOR PROFESSIONAL SERVICES RENDERED

Invoice # 13682

In Reference To: Ongoing monitoring services of a Claims Program captioned *Jack W. Leach, et al. v. E.I. du Pont de Nemours & Company* for services performed in June 2014.

Services performed include: ongoing team meetings and conference calls with vendors; review, research and discussions with HealthSmart regarding the selection of the appropriate laboratory testing facility for the Program's C-8 blood testing; discussion of same with parties; preparation and review of proposed Court Order regarding program data; teleconference with members of the Medical Panel regarding data requirements with regard to reports to be developed and prepared for the Panel regarding de-identified class member testing results, diagnoses, etc.; ongoing review and discussion of the contracts for services submitted by HealthSmart and Garden City Group; discussions with HealthSmart re: update on provider education process; weekly telephone conference meetings with DuPont and Plaintiff counsel representatives.

	<u>Amount</u>
For professional services rendered	\$475,000.00
Additional Charges:	
\$Air/train fare	496.00
\$Courier Ser.	11.38
\$Duplicating	24.25
\$OtherTravel-Taxis, Pkg., etc	38.00
\$Telephone/Conf. Call	569.60
Total additional charges	<u>\$1,139.23</u>
Total amount of this bill	<u><u>\$476,139.23</u></u>

August 07, 2014

Invoice submitted to:

Julie S. Mazza, Esquire
Corporate Counsel, Director
E.I. DuPont de Nemours and Company
1007 Market Street
Wilmington, DE 19898

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FOR PROFESSIONAL SERVICES RENDERED

Invoice # 13683

In Reference To: Ongoing monitoring services of a Claims Program captioned *Jack W. Leach, et al. v. E.I. du Pont de Nemours & Company* for services performed in July 2014.

Services performed include: ongoing communications with vendors re: the final Program documents, mailing and publication schedule; research re: availability of various venues for Town Hall meetings; begin preparation for and determine agenda for Town Hall meetings; review final HealthSmart Provider Education materials; discuss schedule for training and delivery of materials to providers; participation in process update meeting with vendors; weekly telephone conference meetings with DuPont and Plaintiff counsel representatives; ongoing review and discussion of contracts for services submitted by HealthSmart.

	<u>Amount</u>
For professional services rendered	\$475,000.00
Additional Charges :	
\$Air/train fare	375.00
\$Courier Ser.	64.74
\$Duplicating	13.75
\$Meals	53.11
\$OtherTravel-Taxis; Pkg., etc	156.53
\$Telephone/Conf.Call	725.41
Total additional charges	<u>\$1,388.54</u>
Total amount of this bill	<u>\$476,388.54</u>

September 11, 2014

Invoice submitted to:

Julie S. Mazza, Esquire
Corporate Counsel, Director
E.I. DuPont de Nemours and Company
1007 Market Street
Wilmington, DE 19898

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FEINBERG ROZEN, LLP

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TELEPHONE (202) 371-1110 FAX (202) 962-9290

FOR PROFESSIONAL SERVICES RENDERED

Invoice # 13684

In Reference To: Ongoing monitoring services of a Claims Program captioned *Jack W. Leach, et al. v. E.I. du Pont de Nemours & Company* for services performed in August 2014.

During the month of August, Feinberg Rozen continued work with HealthSmart and Garden City Group to prepare for the launch of the Program in September, including: Preparation and management of provider education issues and finalization of all documents, phone scripts, letters to be sent to claimants throughout the program, website enhancements, for town hall meetings to be held at the end of September as well as management of administrative issues arising throughout the month, and ongoing weekly telephonic meetings with the parties. Contract negotiations between HealthSmart, DuPont, the Director of Medical Monitoring, and DuPont continued throughout August. The Director discussed various issues relating to the launch of the program with the parties and responded to their requests for information in various e mails and conference calls.

	<u>Amount</u>
For professional services rendered	\$475,000.00
Additional Charges :	
\$Conf/Mtg. exp.	110.60
\$OtherTravel-Taxis; Pkg., etc	159.84
\$Telephone/Conf.Call	401.42
Total additional charges	\$671.86
Total amount of this bill	<u>\$475,671.86</u>

October 09, 2014

Invoice submitted to:

Julie S. Mazza, Esquire
Corporate Counsel, Director
E.I. DuPont de Nemours and Company
1007 Market Street
Wilmington, DE 19898

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FEINBERG ROZEN, LLP

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FOR PROFESSIONAL SERVICES RENDERED

Invoice # 13685

In Reference To: Ongoing monitoring services of a Claims Program captioned *Jack W. Leach, et al. v. E.I. du Pont de Nemours & Company* for services performed in September 2014.

During the month of September, Feinberg Rozen continued performing its duties as the Director of the Medical Monitoring Program working together with HealthSmart and Garden City Group and successfully launched the Medical Monitoring Program. Work performed included: preparation and distribution of Notice and Informational packets to approximately 98,000 potential class members; completion of print media publication; preparation for and hosting of Town Hall Meetings in West Virginia on September 22 & 23, 2014; ongoing review and monitoring of submitted registration forms; review and analysis of supporting documentation deficiencies; review of issues pertaining to illegible documentation; discussions with Garden City Group re: arrangements with various water district staff to request assistance in identifying eligible class members; preparation and distribution of statistical reports; ongoing editing of reporting structure; ongoing review and editing of revised contract with HealthSmart; ongoing review and monitoring of the call center and discussion of call center questions/issues raised by callers; ongoing daily monitoring and discussions with staff of Garden City Group; and ongoing participation in weekly update status calls with parties.

	<u>Amount</u>
For professional services rendered	\$475,000.00
Additional Charges :	
\$Air/train fare	2,438.40
\$Courier Ser.	10.82
\$Telephone/Conf.Call	215.60
Total additional charges	\$2,664.82
Total amount of this bill	<u>\$477,664.82</u>

November 07, 2014

Invoice submitted to:
Erin Mariani, Esquire
Corporate Counsel Office
E.I. DuPont de Nemours and Company
1007 Market Street
Wilmington, DE 19898

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FEINBERG ROZEN, LLP

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FEDERAL ID# 52-2132680

FOR PROFESSIONAL SERVICES RENDERED

Invoice # 13686

In Reference To: Ongoing monitoring services of a Claims Program captioned *Jack W. Leach, et al. v. E.I. du Pont de Nemours & Company* for services performed in October 2014.

During the month of October, Feinberg Rozen continued performing its duties as the Director of the Medical Monitoring Program working together with HealthSmart and Garden City Group continuing its responsibilities for implementing and monitoring the Medical Monitoring Program. Work performed included: drafting, reviewing and finalizing deficiency notices to class members regarding incomplete or insufficient eligibility documentation; communication with Troy Young re: issues associated with the data transfer specifically regarding issues with document legibility; discussion with parties relating to the list of plaintiffs with PI cases; preparation of first draft of update Status Report to be submitted to the Court; review of issues associated with class member appointments; review of HealthSmart request for provider payments for adherence to approved Program CPT codes; preparation and transmittal to GCG of Director's Approval of Provider Payment Report; ongoing review and monitoring of submitted registration forms; review and analysis of supporting documentation deficiencies; ongoing discussions with Garden City Group re: eligibility issues; preparation and distribution of statistical reports; ongoing editing of reporting structure; ongoing review and editing of revised contract with HealthSmart; ongoing review and monitoring of the call center and discussion of call center questions/issues raised by callers; ongoing daily monitoring and discussions with staff of Garden City Group; and ongoing preparation and participation in weekly update status calls with parties.

For professional services rendered

Amount
\$475,000.00

Additional Charges :

\$Duplicating	13.00
\$Hotel	436.80
\$Meals	758.09
\$Other Out of Town Travel	1,652.09
\$Outside Services - NMS	28,950.00
\$Telephone/Conf.Call	471.53

Erin Mariani, Esquire

Page 2

	<u>Amount</u>
Total additional charges	\$32,281.91
Total amount of this bill	<u>\$507,281.91</u>

TS #68894



NMS
LABS

3701 Welsh Road
PO Box 433A
Willow Grove, PA 19090
(215) 657-4900
Fax (215) 366-1504

INVOICE

Terms Net 30
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Phila PA 19182-0090
Tax ID 23-1731658

Account #: NA
HealthSmart
Marci Conlin, Senior Vice President, Network Dev.
222 W. Las Colinas Blvd, Suite 600 N.
Irving, TX 75039

Invoice Date 07/31/2014
Invoice Number HS - 001
Period Ending 07/31/2014
Purchase Order
Please Reference Invoice # On Your Check

NMS R & D / Validation Costs: Perfluorooctonoic Acid LLOQ 0.5 ng/mL

Description	Total Amount
R & D	\$16,800
Validation	\$9,625
Materials	\$2,225
IT	\$300
Total Amount Due	\$28,950