

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

LENORA PERRINE, CAROLYN HOLBERT,
WAUNONA MESSINGER CROUSER,
REBECCA MORLOCK, ANTHONY BEEZEL,
MARY MONTGOMERY, MARY LUZADER,
TRUMAN R. DESIST, LARRY BEEZEL, and
JOSEPH BRADSHAW, individuals residing in West Virginia,
on behalf of themselves and all others similarly situated,

Plaintiffs,

vs.

Case No. 04-C-296-2
(Honorable Thomas A. Bedell)

E.I. DU PONT DE NEMOURS AND COMPANY,
a Delaware corporation doing business in West Virginia,
MEADOWBROOK CORPORATION, a dissolved
West Virginia corporation, MATTHIESSEN & HEGELER ZINC
COMPANY, INC., a dissolved Illinois corporation formerly
doing business in West Virginia, and
T. L. DIAMOND & COMPANY, INC., a New York corporation doing
business in West Virginia,

Defendants.

**Petition for Approval of Attorneys' Fees
and Litigation Expenses**

Come now the Petitioners, Levin, Papantonio, Thomas, Mitchell, Echsner & Proctor; Cochran, Cherry, Givens, Smith, Lane & Taylor; The Law Office of Gary Rich; West & Jones; and Kennedy & Madonna petition this Court for an award of attorneys' fees and expenses from the common fund. Petitioners move this Court for an award of attorneys' fee of 33 1/3% of the common fund, which includes the value of the medical monitoring program, the costs of remediation (\$55,537,522.25), the amount of the punitive damage award (\$196,200,000.00). The Court will determine the costs of the

medical monitoring program at the December 20, 2007 hearing. Assuming that the Court accepts the projections of Plaintiffs' experts the value of the medical monitoring is \$129,991,821.71.¹ Based upon these projections, the total value of the judgment would be \$381,729,343.96, resulting in a fee of \$127,115,871.54. In addition, Petitioners asked to be reimbursed for litigation expenses in the amount of \$8,001,669.59.

Petitioners seek the award of attorneys' fees and litigation expenses from the common fund. At the same time, plaintiffs have moved for an award of attorneys' fees and expenses from DuPont. Any amount of attorneys' fees and litigation expenses awarded to the plaintiffs will reduce the amount of the attorneys' fees and litigation expenses deducted from the common fund.

In support of this Petition, Petitioners are filing a Memorandum of Law. In addition, Petitioners request leave to file affidavits from third-party counsel familiar with class action practice and attesting to the reasonableness of Petitioners' fee request and litigation expenses. Attorneys and administrative staff from Petitioners' law firms will be present at the December 20, 2007, hearing to provide testimony, if necessary, regarding the amount of time expended and expenses incurred during this litigation. Petitioners also respectfully request leave to present additional expenses that will be incurred from the time of the filing of this petition and the December 20, 2007, hearing.

¹ This is based on a per capita cost of \$13,863,724.00 per 1000 participants. In addition to the per capita, there is an administrative of 10% of the costs (\$1,386,372.40 per 1000 participants). Plaintiffs' expert reasonable estimate of the population of the medical monitoring class is 8,524.

Dated: November 19, 2007.

Perry B. Jones
By Ronald T. Jones

Perry B. Jones, WVSB# 9683
Jerald E. Jones, WVSB# 1920
West & Jones
360 Washington Ave
Clarksburg, WV 26302
(304) 624-5501 (telephone)
(304) 624-4454 (facsimile)

Gary W. Rich, WVSB #3078
Law Office of Gary W. Rich, L.C.
212 High Street, Suite 223
Morgantown, WV 26505
(304) 292-1215 (telephone)
(304) 292-7215 (facsimile)

J. Farrest Taylor, Esq.
Joseph D. Lane, Esq.
Cochran, Cherry, Givens, Smith,
Lane & Taylor, P.C.
163 West Main Street
Dothan, AL 36301
(334) 793-1555 (telephone)
(334) 793-8280 (facsimile)

Michael Papantonio
Levin, Papantonio, Thomas, Mitchell,
Eschsner & Proctor, P.A.
316 S. Baylen Street, Suite 400
Pensacola, FL 32502
(850) 435-7074 (telephone)
(850) 497-7056 (facsimile)

Kevin J. Madonna
Kennedy & Madonna, LLP
48 Dewitt Mills Rd
Hurley, NY 12443
(845) 331-7514 (telephone)
(845) 331-7578 (facsimile)

Attorneys for Plaintiffs

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CERTIFICATE OF SERVICE

I, Perry Jones, counsel for Plaintiffs, hereby certify that service of the Petition for Approval of Attorneys' Fees and Litigation Expenses has been made upon counsel of record via Federal Express for overnight delivery on this 19th day of November 2007, addressed as follows:

Jim Arnold, Esq.
Allen, Guthrie, McHugh & Thomas, P.L.L.C.
500 Lee Street, East, Suite 800
Charleston, WV 25301
Counsel for Defendant E. I. Du Pont De Nemours and Company

Perry B. Jones
By Jerald E. Jones

Perry B. Jones, WWSB# 9683
Jerald E. Jones, WWSB# 1920
West & Jones
360 Washington Ave
Clarksburg, WV 26302