

Judge rules two can take part in DuPont medical monitoring

by Matt Harvey

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CLARKSBURG — Even though two older women signed contracts saying they didn't want to be part of a class action lawsuit against DuPont, they will be able to participate in medical monitoring.

Harrison Circuit Judge Thomas A. Bedell ruled Thursday the women hadn't fully understood what they were doing when they signed the contracts earlier this century.

Class action lawyer Virginia Buchanan, based in Florida, indicated the women of "advanced age" honestly didn't understand the paperwork and acted promptly once they realized their mistake.

Bridgeport lawyer Meredith McCarthy, appointed to protect the interests of minors and some others in the class action, said it was clear the women didn't "fully understand."

Stephanie Thacker, a Charleston lawyer who represents DuPont, said the contracts the women signed should be considered binding by the court.

She cited state Supreme Court cases from the 19th century and early 20th century.

Thacker worried that letting the women participate in medical monitoring might open the "flood gates."

DuPont could appeal, but it might cost more to do that than to pay the medical monitoring testing for the women.

Class action Claims Administrator Ed Gentle told the court there are 23 others who have

made similar claims.

Bedell said each would be considered on individual merits.

The class-action case, which alleged pollution of harmful chemicals, was settled with DuPont agreeing to pay medical monitoring and a certain amount for property cleanup.

Meanwhile, a separate personal injury lawsuit against DuPont was before the judge Thursday.

That case has yet to go to trial, and features 15 plaintiffs (one of them has died since the case was filed) who are suing the chemical company without legal representation.

Attorney Boyd Warner, who represents a trucking concern that was among companies sued, told Bedell his client has agreed to a settlement of \$100 for each plaintiff.

That settlement has yet to be finalized because the insurance company is reviewing it, Warner said.

Meanwhile, the plaintiffs are continuing their action against DuPont.

One of those suing, Nickole Hope Riley, told the court the plaintiffs want a hearing on costs being charged for sharing of discovery.

The judge set a briefing schedule for the plaintiffs and Thacker.

The judge also wants papers filed on the plaintiffs' contention that 2,500 documents haven't been provided by DuPont.

Another hearing is scheduled for Dec. 1, when the judge is likely to take up these matters.