

WEST 443

IN THE CIRCUIT COURT OF WOOD COUNTY, WEST VIRGINIA

JACK W. LEACH, et al.,

Plaintiffs,

v.

CIVIL ACTION NO.: 01-C-608
(Judge George W. Hill)

E. I. DU PONT DE NEMOURS AND COMPANY,
and LUBECK PUBLIC SERVICE DISTRICT

Defendants.

**RESPONSES OF E. I. DU PONT DE NEMOURS AND COMPANY TO
PLAINTIFFS' THIRD SET OF REQUESTS FOR ADMISSIONS TO DUPONT**

Pursuant to West Virginia Rule of Civil Procedure 36, Defendant, E. I. du Pont de Nemours and Company ("DuPont"), by counsel, makes its Responses to "Plaintiffs' Third Set of Requests for Admissions to DuPont" ("Third Set of RFAs"). Any admission made is for the purpose of this pending action only and is not an admission for other purposes, nor may it be used in any other proceeding. Any admission is also subject to all pertinent objections to admissibility interposed at trial. Information provided in these responses is based upon such information as presently is reasonably available to DuPont. DuPont responds and objects as follows:

I. GENERAL OBJECTIONS

DuPont's responses to Plaintiffs' Third Set of Requests for Admissions are subject to the general objections set forth below. These general objections form a part of the response to each and every Request for Admission and are set forth here to avoid duplication and repetition. DuPont's specific responses to each Request for Admission are made subject to, and without waiving, these General Objections, which are incorporated by reference to each of DuPont's responses. The failure to list a specific General Objection in a response should not be construed

as a waiver of that objection. By admitting or denying Plaintiffs' Requests for Admission, DuPont does not concede that the subject matter of such Requests are relevant in the present action or that DuPont's responses are admissible. DuPont reserves the right to amend or supplement its responses.

GENERAL OBJECTION 1: DuPont objects to Plaintiffs' Requests for Admissions to the extent that they seek to characterize the contents of documents, which documents speak for themselves.

GENERAL OBJECTION 2: DuPont objects to Plaintiffs' Requests for Admissions to the extent that they imply that DuPont's "acceptable exposure limits" ("AELs") and "community exposure guidelines" ("CEGs") are set at levels that are predictive of adverse human health effects. DuPont's processes for setting AELs and CEGs are analogous to regulatory agency risk assessments. These mathematically based risk assessments encompass a number of typically very conservative assumptions and safety factors, many of which are default versus actual figures. Risk assessments are designed to be overly protective of human health, with a wide margin of safety, are not predictive of any particular health effects, and should not be used in such a manner. Moreover, they cannot be used to support a claim for medical monitoring.

GENERAL OBJECTION 3: DuPont objects to Plaintiffs' Requests for Admissions to the extent that they seek information that is not relevant to the claims or defenses at issue in this litigation.

GENERAL OBJECTION 4: DuPont hereby preserves for trial its objections as to those of Plaintiffs' Requests for Admissions that ask DuPont to authenticate a document, except that DuPont admits to the authenticity of the documents as set forth below.

GENERAL OBJECTION 5: DuPont objects to Plaintiffs' Requests for Admissions to the extent that that they are deliberately incomplete and calculated to lead to a false conclusion.

II. OBJECTIONS AND ANSWERS TO REQUESTS FOR ADMISSIONS

REQUEST FOR ADMISSION NO. 1. Attached hereto at Exhibit A is an authentic and accurate copy of a business record of DuPont prepared and kept in the regular course of business of DuPont.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 2. In November of 1982, Bruce W. Karrh, M.D., Director of DuPont's Medical Division, recommended that available practical steps be taken to reduce C-8 exposures to DuPont plant employees because, among other things, C-8 is retained in the blood for a long time, all employees, not just Teflon area workers, are exposed, and there is great potential for current or future exposure of members of the local community from emissions leaving the DuPont Washington Works plant perimeter.

RESPONSE: DuPont objects to this Request for Admission on the ground that it is deliberately incomplete and calculated to lead to a false conclusion. Subject to and without waiving this objection, DuPont admits as follows: that after review of materials sent to Dr. Karrh from J.W. Raines about the scrubbing of fine powder exhausts, Dr. Karrh responded to J.W. Raines that even though the C-8 exposure to plant employees was small, Dr. Karrh recommended that available practical steps be taken to reduce this exposure, because, among other things, C-8 is retained in the blood for a long time, all employees, not just Teflon area workers, are exposed, and there is great potential for current or future exposure of members of the local community from emissions leaving the DuPont Washington Works plant perimeter.

REQUEST FOR ADMISSION NO. 3. Attached hereto at Exhibit B is an authentic and accurate copy of a business record of DuPont prepared and kept in the regular course of business of DuPont.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 4. By October of 1983, DuPont had begun evaluating the levels of C-8 discharged into the air from DuPont's Washington Works plant in Wood County, West Virginia.

RESPONSE: Denied, except admitted that by October of 1983, DuPont employees had begun ground level modeling for potential levels of C-8 discharged into the air from DuPont's Washington Works plant in Wood County, West Virginia in order to support installation of an air scrubber for a point of emission in the fine powder area.

REQUEST FOR ADMISSION NO. 5. Attached hereto at Exhibit C is an authentic and accurate copy of a business record of DuPont prepared and kept in the regular course of business of DuPont.

RESPONSE: Admitted, except denied as to marginalia.

REQUEST FOR ADMISSION NO. 6. By October of 1983, DuPont had begun evaluating the potential concentrations of C-8 in the Ohio River from DuPont's Washington Works plant in Wood County, West Virginia.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 7. By August of 1984, DuPont had calculated maximum average annual air concentrations of C-8 outside DuPont's Washington Works plant to be 0.0004 mg/m³.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 8. Attached hereto at Exhibit D is an authentic and accurate copy of a business record of DuPont prepared and kept in the regular course of business of DuPont.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 9. By August of 1984, DuPont had determined that the concentrations of C-8 that had been detected earlier in 1984 by DuPont in the public water supplies near the DuPont Washington Works facility probably came from the aquifer under the Ohio River.

RESPONSE: Denied. except admitted that in or around August 1984, DuPont determined that if the small amounts of C-8 detected were actually present in public water supplies around the Washington Works plant, rather than an artifact of the method of testing, that the source of the C-8 probably came from an aquifer under the Ohio River.

REQUEST FOR ADMISSION NO. 10. In 1984, DuPont had detected C-8 in concentrations exceeding 1ppb in drinking water supplied by the Lubeck Public Service District of Wood County, West Virginia.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 11. Attached hereto at Exhibit E is an authentic and accurate copy of a business record of DuPont prepared and kept in the regular course of business of DuPont.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 12. In 1984, DuPont had detected C-8 at a concentration exceeding 0.5 ppb in drinking water supplied by the Little Hocking Water Association of Ohio.

1-284 P.001 F-081
RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 13. By October of 1986, DuPont's management in Wilmington, Delaware had expressed concern about the possible liability resulting from long-term C-8 exposure to its employees and to the population in the communities surrounding DuPont's Washington Works plant and those down-river from the Washington Works plant.

RESPONSE: DuPont objects to this Request for Admission on the ground that it is deliberately incomplete and calculated to lead to a false conclusion. Subject to and without waiving this objection, denied, except admitted that in an October 20, 1986 memorandum to C.A. Dykes, R.J. Zipfel and G.R. Alms, D.A. Schneider stated, among other things, "Wilmington management is concerned about the possible liability resulting from long-term C-8 exposure to its employees and to the population in the surrounding communities those down-river from the [Washington Works] plant."

REQUEST FOR ADMISSION NO. 14. Attached hereto at Exhibit F is an authentic and accurate copy of a business record of DuPont prepared and kept in the regular course of business of DuPont.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 15. By December of 1986, DuPont was evaluating the possibility of purchasing the public water supply wells owned by the Lubeck Public Service District then located near DuPont's Washington Works plant, which wells supplied the drinking water in which DuPont had detected concentrations of C-8 exceeding 1 ppb.

RESPONSE: DuPont objects to this Request for Admission on the ground that it sets forth more than one matter to be admitted or denied in derogation of W. Va. R. Civ. P. 36(a).

DuPont objects to this Request for Admission on the ground that it is deliberately incomplete and calculated to lead to a false conclusion. Subject to and without waiving these objections, DuPont admits as follows: by December 1986, DuPont was evaluating the possibility of purchasing the public water supply wells owned by the Lubeck Public Service District then located near DuPont's Washington Works plant and further admits that DuPont had detected concentrations of C-8 exceeding 1 ppb at two taps supplied by the Lubeck Public Service District.

REQUEST FOR ADMISSION NO. 16. Attached hereto at Exhibit G is an authentic and accurate copy of a business record of DuPont prepared and kept in the regular course of business of DuPont.

RESPONSE: Denied.

REQUEST FOR ADMISSION NO. 17. One factor taken into consideration by DuPont in December of 1986 with respect to the possibility of purchasing the Lubeck Public Service District water wells was the value of protecting DuPont's Washington Works plant site from public liability, both from proximity of adjacent owners and possible accusation of contamination of groundwater.

RESPONSE: DuPont objects to this Request for Admission on the ground that it is deliberately incomplete and calculated to lead to a false conclusion. Subject to and without waiving this objection, admitted as phrased.

REQUEST FOR ADMISSION NO. 18. By January of 1987, DuPont had completed a "fenceline screening" survey of chemicals emitted into the atmosphere from DuPont's Washington Works plant (hereinafter the "Washington Works Fenceline Screening Survey").

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 19. Through its Washington Works Fenceline Screening Survey, DuPont calculated C-8 emissions to the atmosphere from its Washington Works plant to be 0.0048 mg/m³ at the DuPont Washington Works plant property line.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 20. Attached hereto at Exhibit H is an authentic and accurate copy of a business record of DuPont prepared and kept in the regular course of business of DuPont.

RESPONSE: Admitted, except denied as to marginalia.

REQUEST FOR ADMISSION NO. 21. As a result of DuPont's Washington Works Fenceline Screening Survey, H.A. Smith of DuPont's Safety, Energy & Environmental Affairs Manufacturing Division in Wilmington, Delaware requested on June 9, 1987, that DuPont's Haskell Laboratory develop community exposure guidelines ("CEGs") for C-8.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 22. Attached hereto at Exhibit I is an authentic and accurate copy of a business record of DuPont prepared and kept in the regular course of business of DuPont.

RESPONSE: Denied, except admitted that the document attached to Plaintiffs' Third Set of RFAs as Exhibit I is an authentic and accurate copy of a portion of a business record of DuPont prepared and kept in the regular course of business of DuPont.

REQUEST FOR ADMISSION NO. 23. By June of 1987, DuPont had identified the elimination of certain supernate ponds that had been used for disposal of materials containing C-8 at DuPont's Washington Works plant as a potential mechanism for reducing public exposure to C-8 from DuPont's Washington Works plant.

RESPONSE: Denied, except admitted that by June of 1987, DuPont had identified that elimination of certain supernate ponds that had been used for disposal of materials containing C-8 at DuPont's Washington Works plant may have helped to eliminate the presence of C-8 in an aquifer from which the Lubeck Public Water System drew water.

REQUEST FOR ADMISSION NO. 24. Attached hereto as Exhibit J is an authentic and accurate copy of a business record of DuPont prepared and kept in the regular course of business of DuPont.

RESPONSE: Denied, except admitted that Exhibit J is an authentic and accurate copy of two separate business records of DuPont (EID091378-401 and EID091402) prepared and kept in the regular course of business of DuPont. DuPont further specifically denies as to marginalia.

REQUEST FOR ADMISSION NO. 25. By June of 1987, DuPont had determined that elimination of certain supernate ponds at DuPont's Washington Works plant site that had been used for the disposal of materials containing C-8 could help to eliminate C-8 contamination of the aquifer from which water was then drawn by the Lubeck Public Service District.

RESPONSE: DuPont objects to this Request for Admission on the ground that it sets forth more than one matter to be admitted or denied in derogation of W. Va. R. Civ. P. 36(a). DuPont also objects to this Request for Admission on the ground that it is deliberately incomplete and calculated to lead to a false conclusion. Subject to and without waiving these objections, admitted as phrased.

REQUEST FOR ADMISSION NO. 26. By June of 1987, DuPont had determined that the levels of C-8 detected in water supplied by the Lubeck Public Water District wells near DuPont's Washington Works plant had increased from levels detected in 1984 to 1.9 ppb in 1987.

RESPONSE: Denied, except admitted that in 1987 DuPont tested several samples of water supplied by the Lubeck Public Service District and one test measured 1.9 ppb of C-8.

REQUEST FOR ADMISSION NO. 27. By June of 1987, DuPont's Medical Director, Bruce W. Karth, M.D., stated that DuPont needed to continue to pursue those programs aimed at reducing the public exposure to C-8 as vigorously as DuPont could.

RESPONSE: DuPont objects to this Request for Admission on the ground that it is deliberately incomplete and calculated to lead to a false conclusion. Subject to and without waiving this objection, admitted as phrased.

REQUEST FOR ADMISSION NO. 28. On June 12, 1987, H.A. Smith with DuPont's Safety, Energy & Environmental Affairs Manufacturing Division again requested that DuPont's Haskell Laboratory establish an acceptable level for C-8 in community drinking water, and also requested that DuPont's Haskell Laboratory establish an acceptable level for C-8 in blood.

RESPONSE: DuPont objects to this Request for Admission on the ground that it sets forth more than one matter to be admitted or denied in derogation of W.Va. R. Civ. P. 36(a). Subject to and without waiving this objection, denied, except admitted that on June 12, 1987, H.A. Smith with DuPont's Safety, Energy & Environmental Affairs Manufacturing Division requested that G.L. Kennedy with DuPont's Haskell Lab establish an acceptable level for C-8 in blood, and an acceptable level for C-8 in community drinking water.

REQUEST FOR ADMISSION NO. 29. Attached hereto at Exhibit K is an authentic and accurate copy of a business record of DuPont prepared and kept in the regular course of business of DuPont.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 30. On June 25, 1987, Gerald L. Kennedy of DuPont's Haskell Laboratory issued a Memorandum to H.A. Smith of DuPont stating that an acceptable level for C-8 in the blood of workers would be 0.5 ppm.

RESPONSE: DuPont objects to this Request for Admission on the ground that it is vague and ambiguous. DuPont objects to this Request for Admission on the ground that it is deliberately incomplete and calculated to lead to a false conclusion. Subject to and without waiving these objections, DuPont admits as follows: on June 25, 1987, Gerald L. Kennedy of DuPont's Haskell Laboratory issued a Memorandum to H.A. Smith of DuPont stating that an acceptable level for C-8 in the blood of workers would be 0.5 ppm. DuPont understands that the word "acceptable" was meant to denote a relative goal and not an absolute standard under which reported levels above 0.5 ppm would be viewed as not protective of human health.

REQUEST FOR ADMISSION NO. 31. Attached hereto at Exhibit L is an authentic and accurate copy of a business record of DuPont prepared and kept in the regular course of business of DuPont.

RESPONSE: Admitted, except denied as to marginalia.

REQUEST FOR ADMISSION NO. 32. On June 11, 1987, DuPont's Medical Director, Bruce W. Karth, M.D., advised Roger J. Zipfel of DuPont's Washington Works plant that the plant needed to place the highest priority on issues relating to the presence of C-8 outside the Washington Works plant boundaries.

RESPONSE: DuPont objects to this Request for Admission on the ground that it is deliberately incomplete and calculated to lead to a false conclusion. Subject to and without waiving this objection, admitted as phrased.

REQUEST FOR ADMISSION NO. 33. Attached hereto at Exhibit M is an authentic and accurate copy of a business record of DuPont prepared and kept in the regular course of business of DuPont.

RESPONSE: Denied, except admitted that the document attached to Plaintiffs' Third Set of RFAs as Exhibit M is an authentic and accurate copy of a portion of a business record of DuPont prepared and kept in the regular course of business of DuPont.

REQUEST FOR ADMISSION NO. 34. By July of 1987, DuPont's Washington Works plant had developed a C-8 control plan that included the removal of DuPont's Washington Works employees from C-8 exposure, if the level of C-8 in their blood exceeded 50% of the maximum safe level of C-8 in blood established by DuPont's Haskell Laboratory.

RESPONSE: DuPont objects to this Request for Admission on the ground that it is deliberately incomplete and calculated to lead to a false conclusion. Subject to and without waiving this objection, denied except admitted that in a July 7, 1987 memorandum, Roger J. Zipfel, an employee of DuPont's Washington Works plant, discusses a C-8 control plan that, among other things, included a provision that if any Washington Works employee had a level of C-8 in his or her blood at a level more than 50% of the maximum safe level in blood as to be set by Haskell Laboratory, that employee would be removed from C-8 exposure.

REQUEST FOR ADMISSION NO. 35. By July of 1987, A.C. Huston with DuPont's Washington Works plant strongly recommended that DuPont purchase the Lubeck Public Service District property near the DuPont Washington Works plant, noting that the elimination of the use of those wells as a public drinking source before USEPA's new corrective action requirements became effective and before any remediation actions were required would be a distinct advantage to DuPont, recognizing that remediation of the drinking water wells could cost millions of dollars.

RESPONSE: DuPont objects to this Request for Admission on the ground that it is deliberately incomplete and calculated to lead to a false conclusion. Subject to and without waiving this objection, denied except admitted that by July of 1987, A.C. Huston with DuPont's Washington Works plant strongly recommended that DuPont purchase the Lubeck Public Service District property near the DuPont Washington Works plant, noting that the elimination of the use of those wells as a public drinking source before USEPA's new corrective action requirements became effective and before any remediation actions were required would be a distinct advantage to DuPont, recognizing that remediation could cost millions of dollars.

REQUEST FOR ADMISSION NO. 36. Attached hereto at Exhibit N is an authentic and accurate copy of a business record of DuPont prepared and kept in the regular course of business of DuPont.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 37. Attached hereto at Exhibit O is an authentic and accurate copy of a business record of DuPont prepared and kept in the regular course of business of DuPont.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 38. By March of 1988, DuPont's Acceptable Exposure Limit Committee had accepted 0.3 ug/m3 as a provisional value for DuPont's community exposure guideline (CEG) for C-8 in community air, but did not recommend or accept any community exposure guidelines for C-8 in community drinking water.

RESPONSE: DuPont objects to this Request for Admission on the ground that it sets forth more than one matter to be admitted or denied in derogation of W.Va. R. Civ. P. 36(a). DuPont also objects to this Request for Admission on the ground that it is deliberately

incomplete and calculated to lead to a false conclusion. Subject to and without waiving these objections, denied, except admitted that by March of 1988, DuPont's Acceptable Exposure Limit Committee had accepted $0.3 \mu\text{g}/\text{m}^3$ as a provisional value for DuPont's community exposure guideline ("CEG") for C-8 in community air.

REQUEST FOR ADMISSION NO. 39. In March of 1989, DuPont's Medical Director, Bruce W. Karrh, M.D., met with DuPont Washington Works employees to discuss the status of the DuPont Washington Works C-8 control plan and restated his position that DuPont should continue to place high priority to reduce the general public's exposure to C-8.

RESPONSE: DuPont objects to this Request for Admission on the ground that it is deliberately incomplete and calculated to lead to a false conclusion. Subject to and without waiving this objection, admitted as phrased.

REQUEST FOR ADMISSION NO. 40. Attached hereto at Exhibit P is an authentic and accurate copy of a business record of DuPont prepared and kept in the regular course of business of DuPont.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 41. By April of 1991, DuPont had closed on its purchase of the Lubeck Public Service District property that had been located near DuPont's Washington Works plant.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 42. Although requested several years earlier in 1987, DuPont's Acceptable Exposure Limit Committee did not place the issue of determining an acceptable community exposure guideline for C-8 in community water on its agenda until after

DuPont had closed on its purchase of the Lubeck Public Service District property near DuPont's Washington Works plant.

RESPONSE: DuPont objects to this Request for Admission on the ground that it sets forth more than one matter to be admitted or denied in derogation of W.Va. R. Civ. P. 36(a). Subject to and without waiving this objection, denied.

REQUEST FOR ADMISSION NO. 43. DuPont had hoped that moving the Lubeck Public Service District public drinking water supply wells approximately two miles further down the Ohio River from the DuPont Washington Works plant and purchase of the old Lubeck Public Service District water supply wells by DuPont would eliminate the presence of C-8 in drinking water supplied by the Lubeck Public Service District.

RESPONSE: DuPont objects to this Request for Admission on the ground that it is vague and ambiguous. DuPont further objects to this Request for Admission on the ground that it is deliberately incomplete and calculated to lead to a false conclusion. Subject to and without waiving these objections, DuPont admits as follows: DuPont considered one benefit of the Lubeck Public Service District drawing water from new wells located approximately two miles further down the Ohio River from the DuPont Washington Works plant than the old Lubeck wells to be elimination of the presence of C-8 in drinking water supplied by the Lubeck Public Service District.

REQUEST FOR ADMISSION NO. 44. By September of 1991, DuPont had received the results of sampling of one of the new Lubeck Public Service District water supply wells located approximately two miles further down river from the Lubeck Public Service District property sold to DuPont, indicating the presence of C-8 in the new Lubeck Public Service District water well at 2.4 ppb.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 45. By September 1991, DuPont had received the results of sampling of water at a home tap served by the Lubeck Public Service District confirming the presence of C-8 at 3.9 ppb.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 46. Attached hereto at Exhibit Q is an authentic and accurate copy of a business record of DuPont prepared and kept in the regular course of business of DuPont.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 47. Although DuPont prepared a standby press release to notify the public in 1991 of the presence of C-8 in the Lubeck Public Service District water supply, DuPont did not provide that release to the public.

RESPONSE: DuPont objects to this Request for Admission on the ground that it is deliberately incomplete and calculated to lead to a false conclusion. Subject to and without waiving this objection, denied, except admitted that a standby press release was prepared in 1991 discussing the presence of C-8 in the Lubeck Public Service District water supply and that DuPont did not issue the press release; however, DuPont informed Lubeck in 1991 of the presence of C-8 in the Lubeck Public Service District water supply.

REQUEST FOR ADMISSION NO. 48. Attached hereto at Exhibit R is an authentic and accurate copy of a business record of DuPont prepared and kept in the regular course of business of DuPont.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 49. By January of 1992, DuPont had detected what it considered to be "high" levels of C-8 in water used by a single family on a private well on the western edge of DuPont's Washington Works plant (the "Private C-8 Well").

RESPONSE: DuPont objects to this Request for Admission on the ground that it is deliberately incomplete and calculated to lead to a false conclusion. Subject to and without waiving this objection, denied, except admitted that by January of 1992, DuPont was concerned that a private well located on property on the western edge of DuPont's Washington Works plant would draw water containing a high level of C-8.

REQUEST FOR ADMISSION NO. 50. Attached hereto at Exhibit S is an authentic and accurate copy of a business record of DuPont prepared and kept in the regular course of business of DuPont.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 51. DuPont did not disclose to the owner(s) of the Private C-8 Well the level of C-8 detected in that well.

RESPONSE: DuPont objects to this Request for Admission on the ground that it is vague and ambiguous. DuPont also objects to this Request for Admission on the ground that it is deliberately incomplete and calculated to lead to a false conclusion. Subject to and without waiving these objections, admitted as phrased.

REQUEST FOR ADMISSION NO. 52. DuPont eventually purchased the property on which the Private C-8 Well was located.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 53. DuPont destroyed records identifying the actual concentration of C-8 in the Private C-8 Well.

RESPONSE: Denied.

REQUEST FOR ADMISSION NO. 54. DuPont destroyed records identifying the terms of the sales agreement between DuPont and the private owner(s) of the Private C-8 Well.

RESPONSE: Denied.

REQUEST FOR ADMISSION NO. 55. By February of 1993, DuPont had stated that it will control C-8 exposure for the general public by being in full compliance with DuPont's community exposure guidelines for C-8 (0.0003 mg/m³ in air and 1 ppb in drinking water).

RESPONSE: DuPont objects to this Request for Admission on the ground that it is vague and ambiguous. DuPont also objects to this Request for Admission on the ground that it is deliberately incomplete and calculated to lead to a false conclusion. Subject to and without waiving these objections, admits as follows: by February of 1993, DuPont had expressed the goal to control C-8 exposure for the general public by being in full compliance with DuPont's community exposure guidelines for C-8 (0.0003 mg/m³ in air and 1 ppb in drinking water).

REQUEST FOR ADMISSION NO. 56. Attached hereto at Exhibit T is an authentic and accurate copy of a business record of DuPont prepared and kept in the regular course of business of DuPont.

RESPONSE: Denied.

REQUEST FOR ADMISSION NO. 57. By May of 1993, DuPont Washington Works employees Woody Ireland, David Ramsey, and Walter Stewart had completed their responsibilities with respect to eliminating what DuPont considered to be "high" levels of C-8 in the Private C-8 Well.

RESPONSE: Denied, except admitted that by May of 1993, DuPont Washington Works employees Woody Ireland, David Ramsey, and Walter Stewart had completed their

responsibilities with respect to eliminating any potential exposure to C-8 from a private well which DuPont was concerned may have drawn water with high levels of C-8.

REQUEST FOR ADMISSION NO. 58. DuPont has interviewed Woody Ireland, David Ramsey, and Walter Stewart and has confirmed that none of those individuals now remember anything with respect to the level of C-8 detected in the Private C-8 Well or remember anything with respect to what DuPont did in response to finding C-8 in that well.

RESPONSE: DuPont objects to this Request for Admission on the grounds that it is vague and ambiguous and makes unsupported assertions of facts. DuPont also objects to this Request for Admission on the ground that it sets forth more than one matter to be admitted or denied in derogation of W.Va. R. Civ. P. 36(a). Based upon such objections, denied.

REQUEST FOR ADMISSION NO. 59. Attached hereto at Exhibit U is an authentic and accurate copy of a business record of DuPont prepared and kept in the regular course of business of DuPont.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 60. By March of 1994, DuPont had received the results of a report prepared by the University of Delaware indicating that electroosmosis appeared to be a cost-effective technology for remediating C-8-contaminated Washington Works facility soil in situ, but DuPont decided not to implement that technology.

RESPONSE: DuPont objects to this Request for Admission on the ground that it sets forth more than one matter to be admitted or denied in derogation of W.Va. R. Civ. P. 36(a). DuPont also objects to this Request for Admission on the ground that it is deliberately incomplete and calculated to lead to a false conclusion. Subject to and without waiving these objections, DuPont admits as follows: by March of 1994, DuPont had received the results of a

report prepared by the University of Delaware which indicated that electroosmosis under certain conditions appeared to be a cost-effective technology for remediating C-8-contaminated Washington Works facility soil in situ, but DuPont decided not to implement that technology.

REQUEST FOR ADMISSION NO. 61. Attached hereto at Exhibit V is an authentic and accurate copy of a business record of DuPont prepared and kept in the regular course of business of DuPont.

RESPONSE: Admitted, except denied as to marginalia.

REQUEST FOR ADMISSION NO. 62. Attached hereto at Exhibit W is an authentic and accurate copy of a business record of DuPont prepared and kept in the regular course of business of DuPont.

RESPONSE: Admitted, except denied as to marginalia.

REQUEST FOR ADMISSION NO. 63. Following a DuPont C-8 global meeting in October of 1994, an e-mail from DuPont's in-house counsel, James B. Allen, was distributed to certain DuPont employees reminding those employees that there is no need to retain documents relating to C-8 beyond DuPont's three year corporate documentation retention policy, unless the documents come within a special records category exception, and that all C-8 records that do not fall within one of the special records category exceptions must be properly destroyed at the end of their corporate document retention period.

RESPONSE: DuPont objects to this Request for Admission on the ground that it is deliberately incomplete and calculated to lead to a false conclusion. Subject to and without waiving this objection, admitted, as phrased.

REQUEST FOR ADMISSION NO. 64. Attached hereto at Exhibit X is an authentic and accurate copy of a business record of DuPont prepared and kept in the regular course of business of DuPont.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 65. By October of 1995, DuPont had determined that C-8 was present in groundwater under the DuPont Washington Works plant in areas that were not contained by DuPont's geohydrological containment system, thereby allowing the C-8 to flow into the Ohio River.

RESPONSE: DuPont objects to this Request for Admission on the ground that it sets forth more than one matter to be admitted or denied in derogation of W.Va. R. Civ. P. 36(a). Subject to and without waiving this objection, denied.

REQUEST FOR ADMISSION NO. 66. Attached hereto at Exhibit Y is an authentic and accurate copy of a business record of DuPont prepared and kept in the regular course of business of DuPont.

RESPONSE: Admitted, except denied as to marginalia.

REQUEST FOR ADMISSION NO. 67. By January of 1997, DuPont had developed a C-8 Program Concept Evaluation Plan, which included development of a risk analysis and assessment to evaluate the potential impact of DuPont's use of C-8 on human health and the environment.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 68. Attached hereto at Exhibit Z is an authentic and accurate copy of a business record of DuPont prepared and kept in the regular course of business of DuPont.

RESPONSE: Admitted, except denied as to marginalia.

REQUEST FOR ADMISSION NO. 69. Attached hereto at Exhibit AA is an authentic and accurate copy of a business record of DuPont prepared and kept in the regular course of business of DuPont.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 70. By the fall of 1998, DuPont had prepared proposals to conduct a general human health and environmental effects risk analysis on C-8 and an ecological risk assessment on C-8.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 71. Attached hereto at Exhibit BB is an authentic and accurate copy of a business record of DuPont prepared and kept in the regular course of business of DuPont.

RESPONSE: Denied, except admitted that the document attached to Plaintiffs' Third Set of RFAs as Exhibit BB together with the document produced at EID 219509-521 is an authentic and accurate copy of a business record of DuPont prepared and kept in the regular course of business of DuPont.

REQUEST FOR ADMISSION NO. 72. In its proposal to conduct a general human health and environmental effects risk analysis on C-8, DuPont proposed to summarize such risks according to the major routes of exposure (air, water, dermal, other oral) for each C-8 application and to characterize the risks by comparing the likely exposure concentrations to the dose-response relationship through a method referred to as a "Margin of Exposure."

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 73. In June of 1999, DuPont was sued by several members of the Tennant family of Wood County, West Virginia who alleged emissions from DuPont's Dry Run Landfill in Wood County, West Virginia had resulted in personal and property damage to the Tennants, including the death of several hundred head of cattle and physical injuries to the Tennants.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 74. At the time DuPont was sued by the Tennants in connection with the Dry Run Landfill, DuPont was aware that C-8 was among the contaminants present at the Dry Run Landfill and Dry Run Creek in Wood County, West Virginia.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 75. On June 24, 1999, DuPont submitted to the United States Environmental Protection Agency a RCRA Facility Investigation Report for its Washington Works facility (the "RFI Report").

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 76. Attached hereto at Exhibit CC is an authentic and accurate copy of portions of a business record of DuPont prepared and kept in the regular course of business of DuPont.

RESPONSE: Admitted, except DuPont notes that the following are the portions that have been included at Exhibit CC: Section Six (EID109687 - EID109696), Table 4.6 (EID109767 - EID109768), Table 6.5 (EID109781), Table 6.6 (EID109782), Table 6.7 (EID109783), Table 6.8 (EID109784), and Table 6.10 (EID109786).

REQUEST FOR ADMISSION NO. 77. In its RFI Report, DuPont included a screening level health risk evaluation to identify the constituents and exposure pathways that may be a concern for human health and that may warrant further evaluation or action for DuPont's Washington Works plant.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 78. In its RFI Report, DuPont derived preliminary screening levels for C-8 from DuPont's community exposure guideline of 0.0003 mg/m3 for C-8 in air.

RESPONSE: DuPont objects to this Request for Admission on the ground that it is deliberately incomplete and calculated to lead to a false conclusion. Subject to and without waiving this objection, admitted as phrased.

REQUEST FOR ADMISSION NO. 79. In its RFI Report, DuPont calculated preliminary screening levels for C-8 in soil and groundwater using an allowable daily intake of 0.006 mg/day of C-8.

RESPONSE: DuPont objects to this Request for Admission on the ground that it is deliberately incomplete and calculated to lead to a false conclusion. Subject to and without waiving this objection, admitted as phrased.

REQUEST FOR ADMISSION NO. 80. In its RFI Report, DuPont selected 3 ppb as its preliminary screening level for C-8 in groundwater used as drinking water.

RESPONSE: DuPont objects to this Request for Admission on the ground that it is deliberately incomplete and calculated to lead to a false conclusion. Subject to and without waiving this objection, admitted as phrased.

REQUEST FOR ADMISSION NO. 81. In August of 1999, DuPont was proceeding with both its ecological and human health risk assessments for C-8 and still anticipated completing the projects by January of 2000.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 82. Attached hereto at Exhibit DD is an authentic and accurate copy of the business record of DuPont prepared and kept in the regular course of business of DuPont.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 83. In September of 1999, DuPont was advised that the Supreme Court of West Virginia had released an opinion expanding the ability to recover medical monitoring costs in situations where there has been exposure to toxic chemicals.

RESPONSE: DuPont objects to this Request for Admission on the ground that it is deliberately incomplete and calculated to lead to a false conclusion. Subject to and without waiving this objection, denied, except admitted that in September of 1999, certain employees of DuPont were informed that the West Virginia Supreme Court of Appeals had recently entered an opinion that created a new legal claim allowing plaintiffs to sue for future costs of medical monitoring.

REQUEST FOR ADMISSION NO. 84. Attached hereto at Exhibit EE is an authentic and accurate copy of a business record of DuPont prepared and kept in the regular course of business of DuPont.

RESPONSE: Denied.

REQUEST FOR ADMISSION NO. 85. DuPont never finalized either its ecological or human health risk assessments for C-8 in writing after the West Virginia Supreme Court

issued its medical monitoring decision in Bower v. Westinghouse Electric Corp., 522 S.E.2d 424 (1999).

RESPONSE: DuPont objects to this Request for Admission on the ground that it is vague and ambiguous. Subject to and without waiving this objection, denied, except admitted that DuPont had begun its extensive human health and ecological risk assessments prior to 1999, such risk assessments and research related to them are ongoing and portions have been reduced to writing after 1999.

REQUEST FOR ADMISSION NO. 86. By April of 2000, DuPont had performed modeling indicating that, at the then-current emissions levels of C-8 from the DuPont Washington Works plant, the concentration of C-8 in the Ohio River was predicted to be above DuPont's 1 ppb community exposure guideline for community water approximately 50% of the time.

RESPONSE: DuPont objects to this Request for Admission on the ground that it is vague and ambiguous. DuPont also objects to this Request for Admission on the ground that it is deliberately incomplete and calculated to lead to a false conclusion. Subject to and without waiving this objection, admitted as phrased.

REQUEST FOR ADMISSION NO. 87. Attached hereto at Exhibit FF is an authentic and accurate copy of a business record of DuPont prepared and kept in the regular course of business of DuPont.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 88. On August 15, 2000, attorneys for the Tennants advised DuPont's counsel that they had become aware that they had not received

all of DuPont's documents relating to C-8 in connection with the Tennant litigation and that the Tennants' counsel intended to seek immediate production of DuPont's C-8 documents.

RESPONSE: DuPont objects to this Request for Admission on the ground that it is vague and ambiguous. DuPont also objects to this Request for Admission on the ground that it is deliberately incomplete and calculated to lead to a false conclusion. Subject to and without waiving these objections, denied, except admitted that in August 2000, Plaintiffs' counsel in the Tennant litigation claimed that he had not received all of DuPont's documents related to C-8 and that he intended to seek immediate production of those documents.

REQUEST FOR ADMISSION NO. 89. Attached hereto at Exhibit GG is an authentic and accurate copy of a letter that DuPont's counsel received from counsel for the Tennants on or about August 15, 2000.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 90. On August 16, 2000, executive officers of DuPont, including Charles O. Holliday, Jr., Chairman of the Board and Chief Executive Officer, were notified that counsel for the Tennants was seeking additional time to study the impact of C-8 on the litigation.

RESPONSE: Denied, except admitted that in his August 16, 2000 Daily Communications Report, sent to executive officers of DuPont, including Charles O. Holliday, Jr., Chairman of the Board and Chief Executive Officer, R. Clifton Webb stated: "Plaintiffs counsel requested a 6 month extension to the proceedings for additional time to study the impact of C-8."

REQUEST FOR ADMISSION NO. 91. Attached hereto at Exhibit HH is an authentic and accurate copy of a business record of DuPont prepared and kept in the regular course of business of DuPont.

RESPONSE: Admitted, except that DuPont notes that the document was redacted prior to production to Plaintiffs.

REQUEST FOR ADMISSION NO. 92. In August of 2000, DuPont stated that its community exposure guideline of 1 ppb for C-8 in community drinking water is a self-regulated public health limit.

RESPONSE: Denied, except admitted that in a draft document prepared for discussion purposes, a DuPont employee stated that the community exposure guideline of 1 ppb for C-8 in community drinking water is a self-regulated public health limit.

REQUEST FOR ADMISSION NO. 93. In August of 2000, DuPont stated that its community exposure guideline of 0.0003 milligrams per cubic meter of C-8 in community air is a self-regulated public health limit for C-8.

RESPONSE: Denied, except admitted that in a draft document prepared for discussion purposes, a DuPont employee stated that the community exposure guideline of 0.0003 milligrams per cubic meter of C-8 in community air is a self-regulated public health limit for C-8.

REQUEST FOR ADMISSION NO. 94. Attached hereto at Exhibit II is an authentic and accurate copy of a business record of DuPont prepared and kept in the regular course of business of DuPont.

RESPONSE: Admitted.

74066234331 1-284 P 030/040 F-081

REQUEST FOR ADMISSION NO. 95. Acute overexposure of humans to C-8 can

cause eye irritation with discomfort, tearing or blurring of vision, irritation of the upper respiratory passages, and possible liver changes.

RESPONSE: DuPont objects to this Request for Admission on the ground that it is vague and ambiguous and that it sets forth more than one matter to be admitted or denied in derogation of W.Va. R. Civ. P. 36(a). DuPont also objects to this Request for Admission on the ground that it is deliberately incomplete and calculated to lead to a false conclusion. Subject to and without waiving these objections, denied, except admitted that, based on animal testing, acute overexposure of animals to C-8 can result in eye irritation, respiratory tract irritation and liver changes and it is assumed that acute overexposure of humans to C-8 may cause the same acute effects. However, DuPont specifically denies that acute overexposure to C-8 has produced chronic health effects in humans.

REQUEST FOR ADMISSION NO. 96. Attached hereto at Exhibit JJ is an authentic and accurate copy of a business record of DuPont prepared and kept in the regular course of business of DuPont.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 97. In March of 2001, DuPont received a copy of a letter sent by counsel for the Tennants notifying various government agencies and DuPont of certain facts related to DuPont's handling of C-8 issues and, among other things, the Tennant's request for governmental action in response (the "Tennant Letter")

RESPONSE: DuPont objects to this Request for Admission on the ground that it is deliberately incomplete and calculated to lead to a false conclusion. Subject to and without waiving this objection, denied, except admitted that, in March 2001, DuPont received a copy of

a letter sent by counsel for the Tennants to various government agencies alleging certain things related to DuPont and C-8. DuPont specifically denies many of the allegations in the March 2001 letter.

REQUEST FOR ADMISSION NO. 98. Attached hereto at Exhibit KK is an authentic and accurate copy of the text of a letter DuPont received in March of 2001.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 99. DuPont received a draft of the Tennant Letter in November of 2000.

RESPONSE: DuPont objects to this Request for Admission on the ground that it is deliberately incomplete and calculated to lead to a false conclusion. Subject to and without waiving this objection, denied, except admitted that DuPont received a draft in November 2000 of a letter from counsel for the Tennants to various government agencies alleging certain things related to DuPont and C-8. DuPont specifically denies that the draft received in November 2000 is identical to the Tennant letter received in March 2001.

REQUEST FOR ADMISSION NO. 100. On March 9, 2001, Diane R. Shomper of DuPont stated that there are potential ramifications to the entire fluoropolymers industry if there is very negative fallout from the Tennant Letter.

RESPONSE: DuPont objects to this Request for Admission on the ground that it is deliberately incomplete and calculated to lead to a false conclusion. Subject to and without waiving this objection, admitted as phrased.

REQUEST FOR ADMISSION NO. 101. Attached here as Exhibit LL is an authentic and accurate copy of a business record of DuPont prepared and kept in the regular course of business of DuPont.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 102. On March 9, 2001, executive officers of DuPont, including Charles O. Holliday, Chairman of the Board and Chief Executive Officer, were advised of the Tennant Letter and were informed that leaders of DuPont's fluoroproducts business would be meeting with DuPont's legal staff and public and government affairs staff to refine its strategy in light of the Tennant Letter.

RESPONSE: DuPont objects to this Request for Admission on the ground that it sets forth more than one matter to be admitted or denied in derogation of W.Va. R. Civ. P. 36(a). Subject to and without waiving this objection, admitted.

REQUEST FOR ADMISSION NO. 103. Attached hereto at Exhibit MM is an authentic and accurate copy of a business record of DuPont prepared and kept in the regular course of business of DuPont.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 104. On March 22, 2001, DuPont was advised that counsel for the Tennants intended to make a presentation to the United States Environmental Protection Agency ("USEPA") relating to C-8 during an upcoming public hearing.

RESPONSE: Denied, except admitted that on March 22, 2001, certain DuPont employees were told that an attorney in the Tennant litigation had gotten on the agenda for an EPA meeting on PFOS and that the attorney's intent was to discuss APFO.

REQUEST FOR ADMISSION NO. 105. Attached hereto at Exhibit NN is an authentic and accurate copy of the business record of DuPont prepared and kept in the regular course of business of DuPont.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 106. In March of 2001, DuPont's counsel filed papers with the United States District Court for the Southern District of West Virginia seeking a gag order to prevent the Tennants' counsel from publicly discussing certain C-8 issues.

RESPONSE: DuPont admits as follows: in March of 2001, in the United States District Court for the Southern District of West Virginia, DuPont's counsel filed a Motion for Temporary Restraining Order and Preliminary Injunction to prevent Tennants' counsel from making any extrajudicial statements regarding the Tennant case.

REQUEST FOR ADMISSION NO. 107. DuPont's attempt to obtain a gag order against the Tennants' counsel was rejected by the Federal Court in West Virginia in March of 2001.

RESPONSE: DuPont admits as follows: on March 26, 2001, the United States District Court for the Southern District of West Virginia denied DuPont's Motion for Temporary Restraining Order and Preliminary Injunction.

REQUEST FOR ADMISSION NO. 108. On May 23, 2001, a letter dated May 19, 2001, was received in the office of DuPont's Chairman of the Board in which an alleged former employee of DuPont stated that he had knowledge of facts indicating that the DuPont Washington Works plant and local drinking water supply was seriously contaminated with C-8 and alleged that DuPont management's response to the situation was illegal and immoral.

RESPONSE: Denied, except admitted that on May 23, 2001, the office of DuPont's Chairman of the Board received a copy of a letter addressed to Christine T. Whitman, EPA Administrator, authored by an unidentified person who claimed in the body of the letter to be

a former employee of DuPont. DuPont further admits that in the letter the alleged former employee stated that he had knowledge of facts indicating that the DuPont Washington Works plant and local drinking water supply was seriously contaminated with C-8 and alleged that DuPont management's response to the situation was illegal and immoral. DuPont specifically denies the allegations in the body of the letter.

REQUEST FOR ADMISSION NO. 109. Attached hereto at Exhibit OO is an authentic and accurate copy of a letter that was received in the office of DuPont's Chairman of the Board on or about May 23, 2001.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 110. In June of 2001, DuPont initiated discussions with the State of West Virginia's Department of Environmental Protection ("WVDEP") regarding a potential consent order to address the nature and extent of C-8 released from DuPont's Washington Works plant.

RESPONSE: Denied.

REQUEST FOR ADMISSION NO. 111. On November 1, 2001, DuPont publicly announced that it would begin the manufacture of C-8 at its Fayetteville, North Carolina facility

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 112. Attached hereto at Exhibit PP is an authentic and accurate copy of a business record of DuPont prepared and kept in the regular course of business of DuPont.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 113. On August 30, 2002, employees of USEPA met with, among others, employees of DuPont and discussed, among other things,

the USEPA's interpretation of existing PFOA toxicity studies, and the USEPA representatives specifically requested that any disagreements with USEPA's interpretation of PFOA toxicity studies be raised and resolved with USEPA's staff prior to any subsequent meeting with the USEPA.

RESPONSE: DuPont objects to this Request for Admission on the ground that it sets forth more than one matter to be admitted or denied in derogation of W.Va. R. Civ. P. 36(a). Subject to and without waiving this objection, denied except admitted that on August 30, 2002, employees of DuPont met with employees of the USEPA and discussed the interpretation of certain PFOA toxicity studies.

REQUEST FOR ADMISSION NO. 114. During a conference call among USEPA employees and, among others, DuPont representatives, on September 12, 2002, none of the DuPont participants on the call acknowledged any difference of opinion with the USEPA with respect to PFOA hazard issues.

RESPONSE: DuPont objects to this Request for Admission on the ground that it is vague and ambiguous. Subject to and without waiving this objection, denied.

REQUEST FOR ADMISSION NO. 115. With respect to USEPA's interpretation of PFOA toxicity and hazard issues, USEPA advised DuPont, among others, in September of 2002 that the toxicology data submitted to USEPA suggests a potential for reproductive/developmental toxicity and low level C-8 exposures to the general population that were unexplained as of September 2002.

RESPONSE: DuPont objects to this Request for Admission on the ground that it sets forth more than one matter to be admitted or denied in derogation of W.Va. R. Civ. P. 36(a). DuPont also objects to this Request for Admission on the ground that it is vague and

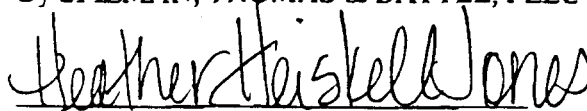
Jan 13 2009 02:12PM FROM: JESSICA AND JENNIFER TEL: 202-340-3001 1-254 P. 036/040 F-081

ambiguous. Subject to and without waiving these objections, denied, except admitted that with respect to USEPA's interpretation of PFOA toxicity and hazard issues, USEPA advised DuPont, among others, in September of 2002 that the toxicology data submitted to USEPA suggests a potential for reproductive/ developmental toxicity.

Respectfully submitted,

E.I. DU PONT DE NEMOURS AND COMPANY

By SPILMAN, THOMAS & BATTLE, PLLC



Charles L. Woody (WV State Bar # 4130)
Heather Heiskell Jones (WV State Bar # 4913)
300 Kanawha Boulevard, East
P.O. Box 273
Charleston, WV 25321-0273
304-340-3800

Laurence F. Janssen
STEPTOE & JOHNSON, LLP
633 West 5th Street, Suite 700
Los Angeles, CA 90071
213-439-9400

Stephen A. Fennell
STEPTOE & JOHNSON, LLP
1330 Connecticut Avenue, NW
Washington, D.C. 20036
202-429-3000

IN THE CIRCUIT COURT OF WOOD COUNTY, WEST VIRGINIA

JACK W. LEACH, ET AL.,

Plaintiffs,

v.

CIVIL ACTION NO. 01-C-608

(Judge George W. Hill, Jr.)

**E. I. DU PONT DE NEMOURS AND COMPANY,
and LUBECK PUBLIC SERVICE DISTRICT,**

Defendants.

CERTIFICATE OF SERVICE

I, Heather Heiskell Jones, do hereby certify that I have served a true and exact copy
"Responses of E. I. du Pont de Nemours and Company to Plaintiffs' Third Set of Requests
for Admissions to DuPont" upon the following counsel of record in the manner indicated
below on this 23rd day of January 2003, addressed as follows:

Larry A. Winter, Esq.
Winter Johnson & Hill PLLC
500 E. Virginia Street
Charleston, WV 25301
Counsel for Plaintiffs
Via Hand Delivery

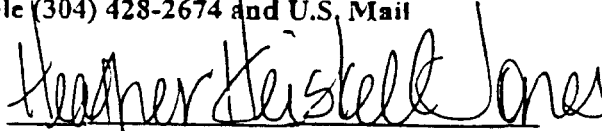
R. Edison Hill, Esq.
Harry G. Deitzler, Esq.
Hill, Peterson, Carper, Bee & Deitzler, PLLC
NorthGate Business Park
500 Tracy Way
Charleston, WV 25311-1261
Counsel for Plaintiffs
Via Hand Delivery

000259

Robert A. Bilott, Esq.
Taft, Stettinius & Hollister LLP
1800 Firststar Tower
425 Walnut Street
Cincinnati, OH 45202-3957
Counsel for Plaintiffs
Via Facsimile (513) 381-0205 and U.S. Mail

John R. McGhee, Esq.
Kay Casto & Chaney PLLC
1600 Bank One Center
P.O. Box 2031
Charleston, WV 25327
Counsel for Lubeck Public Service District
Via Hand Delivery

Richard A. Hayhurst, Esq.
414 Market Street
P.O. Box 86
Parkersburg, WV 26102
Counsel for Lubeck Public Service District
Via Facsimile (304) 428-2674 and U.S. Mail


Heather Heiskell Jones (WV State Bar # 4913)