

IN THE CIRCUIT COURT OF PUTNAM COUNTY, WEST VIRGINIA

ZINA G. BIBB, et al.,

Plaintiffs,

v.

CIVIL ACTION NO. 04-C-46
(Derek C Swope, Circuit Judge
by temporary assignment)

FILE
PUTNAM CO. CIRCUIT COURT

2012 FEB 24 PM 8:10

MONSANTO COMPANY, et al.,

Defendants.

[PROPOSED] ^{ms}
ORDER PRELIMINARILY APPROVING CLASS SETTLEMENTS

THIS MATTER having come before the Court on the Motion for Preliminary Approval of Class Action Settlements and Memorandum of Law in support thereof (“Motion for Preliminary Approval”); and the Parties having filed the Medical Monitoring Class Settlement Agreement dated February 16, 2012, as Exhibit A to the Motion for Preliminary Approval, along with the Property Class Settlement Agreement dated February 16, 2012 as Exhibit B to the Motion for Preliminary Approval (together, the “Settlement Agreements”), in satisfaction of Rule 23(e) of the West Virginia Rules of Civil Procedure; and the Court having reviewed and considered the terms and conditions of the proposed Class Settlements as set forth in the Settlement Agreements; and the Court finding it has subject matter jurisdiction over this matter; and for good cause appearing that the terms and conditions set forth in the Settlement Agreements were the result of good faith, arm’s length settlement negotiations between competent and experienced counsel for both Plaintiffs and Defendants.

ACCORDINGLY, IT IS HEREBY ORDERED AS FOLLOWS:

1. Capitalized terms used in this Preliminary Approval Order have the meanings assigned to them in the Settlement Agreements and this Order.

2. Preliminary Approval. The terms of the Parties' Settlement Agreements are hereby conditionally approved, subject to further consideration thereof at a final approval hearing ("Fairness Hearing") provided for below. The Court finds that said Class Settlements are sufficiently within the range of reasonableness.

3. Class Notice.

(a) The Court approves the forms of the Notice of Proposed Settlement of Medical Monitoring Class attached hereto as Exhibit A, and the Notice of Proposed Settlement of Property Class attached hereto as Exhibit B.

(b) By April 5, 2012, Class Counsel will commence publication of the Notice of Proposed Settlement of Property Class in a manner consistent with the notice procedures followed in providing notice of the Class Certification.

(c) Also by April 5, 2012, Class Counsel send by first-class mail the Notice of Proposed Settlement of Property Class to all members of the Property Class.

(d) These notices are hereby found to be the best practicable means of providing notice under the circumstances and, when completed, shall constitute due and sufficient notice of the proposed Class Settlements and the Fairness Hearing to all persons and entities affected by and/or entitled to participate in the settlement, in full compliance with the notice requirements of W.Va. R. Civ. P. 23, due process, the Constitution of the United States, the laws of West Virginia, and all other applicable laws. The notices are accurate, objective, informative and provide members of the Medical Monitoring Class and Property Class with all

of the information necessary to make an informed decision regarding their participation in the Class Settlements and the fairness thereof.

(e) On or before June 11, 2012, Class Counsel shall provide to the Court and serve on Defense Counsel a report certifying completion of the notice requirements set forth in this Order.

4. Fairness Hearing.

(a) The Fairness Hearing is hereby scheduled to be held before this Court on June 18, 2012 in Courtroom #1, to consider the fairness, the reasonableness, and adequacy of the proposed Class Settlements, the dismissal with prejudice of this lawsuit, and the entry of final judgment in this class action.

(b) The date, time, and place of the Fairness Hearing shall be set forth in the Notice of Proposed Settlement of Medical Monitoring Class and Notice of Proposed Settlement of Property Class.

(c) Following the Fairness Hearing, on or before June 22, 2012, the Parties shall submit Proposed Findings of Fact and Conclusions of Law.

5. Objections.

(a) Any member of the Medical Monitoring Class or Property Class who submits written objections as to why the Settlement Agreements should not be approved as fair, reasonable, and adequate and why judgment should not be entered thereon ("Objector"), shall be heard and any papers submitted in support of said objections shall be considered by the Court at the Fairness Hearing only if, within the time limit set forth in this Order, such Objector: (i) submits documentary proof that he or she is a member of the Medical Monitoring Class or Property Class; (ii) states in writing the specific basis for each objection, including any legal support the Objector wishes to bring to the Court's attention; (iii) submits any evidence the

Objector wishes to introduce in support of his or her objection; and (iv) any other information required by the Parties or the West Virginia Rules of Civil Procedure. Any Objector who fails to comply with these requirements shall be forever barred from objecting to the Class Settlements.

(b) To object, the Objector must send a letter stating that he or she objects to the proposed Settlement in the *Bibb v. Monsanto Co.*, NO. 04-C-465 litigation. He or she must include his or her name, address, telephone number, and his or her signature. He or she must also state the reasons for the objection.

(c) Any attorneys hired or retained by the Settlement Class members at Settlement Class members' expense for the purpose of objecting to the Class Settlements are required to serve a notice of appearance.

(d) Any Objector who serves and files a written objection and who intends to make an appearance at the Fairness Hearing, either in person or through personal counsel hired at the Objector's expense, in order to object to the fairness, reasonableness, or adequacy of the proposed Settlement Agreement, is required to serve a notice of intention to appear at the Fairness Hearing.

(e) All notices provided for in subsections (a)-(d) must be postmarked not later than June 7, 2012 and sent to the following:

Clerk of the Court
Circuit Court of Putnam
County, West Virginia
3389 Winfield Road
Winfield, WV 25213-9354

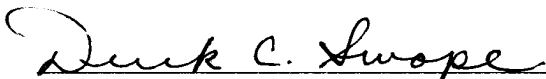
(f) Defendants' Counsel, Class Counsel, and any other counsel for Plaintiffs or the Settlement Class are directed to furnish promptly to each other and any other counsel who has

filed a notice of appearance with copies of any and all objections or written requests for exclusion that might come into their possession.


(g) No person shall be entitled in any way to contest the approval of the terms and conditions of the Settlement Agreements or the judgment to be entered thereon except by filing and serving written objections in accordance with the provisions of this Settlement Agreements. Any member of the Medical Monitoring Class or Property Class who does not submit a timely, written objection or who does not comply with the procedures set forth in the Settlement Agreements will be deemed to have waived all such objections and will, therefore, be bound by all proceedings, order and judgments in this action, which will be preclusive in all pending or future lawsuits or other proceedings.

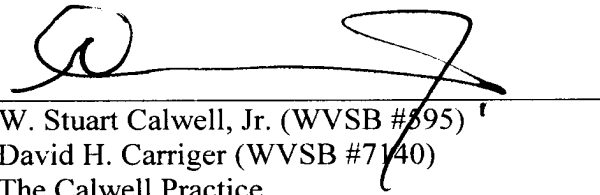
The Clerk of the Court is directed to deliver true copies of this Order to counsel of record as set forth below.

Entered: February 24th, 2012


Derek C. Swope, Circuit Judge

Prepared for entry by:


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