

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

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Date 12/31/98

By *[Signature]*

U.S. DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA

IN RE: E.I. duPont de Nemours
& Company - Benlate Litigation:

CIVIL ACTION FILE

NO. 4:95-CV-36 (HL)

Civil Order File

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THE BUSH RANCH, INC., a Georgia
corporation, and WILLIAM R.
LAWSON, individually,

YELLOW RIVER GROWERS, a
partnership whose partners are
Roy Phillip Barber, Carol H.
Barber and Gregory Phillip Barber,
and ROY PHILLIP BARBER and
CAROL H. BARBER, and

C. RAKER & SONS, INC., a Michigan
corporation,

Petitioners,

vs.

E.I. DU PONT DE NEMOURS & COMPANY,
a Delaware corporation,

Respondent.

CONSENT ORDER AND FINAL JUDGMENT

WHEREAS, this proceeding was initiated on March 22, 1995 by a civil Petition to Show Cause (the "Petition") why respondent E.I. du Pont de Nemours & Company ("DuPont") should not be sanctioned for alleged litigation misconduct in certain product liability cases that were tried and later settled and dismissed in 1993 ("Bush Ranch I");

WHEREAS, DuPont denies any misconduct and all other allegations in the Petition and related proceedings;

WHEREAS, the Court held a hearing on the allegations of the Petition between May 2, 1995 and May 12, 1995 and issued an Opinion and Order on August 21, 1995 that imposed certain sanctions on DuPont;

WHEREAS, in E.I. duPont de Nemours & Company - Benlate Litigation, 99 F.3d 363 (11th Cir. 1996), cert. denied, 118 S.Ct. 263 (1997), the Eleventh Circuit vacated the Court's order and remanded the case for further proceedings consistent with its opinion;

WHEREAS, on remand, this Court has reviewed the record of the 1995 show cause proceeding;

WHEREAS, this Court entered an order on November 4, 1998 directing the United States Attorney for the Middle District of Georgia to investigate the allegations of the Petition and to determine by January 4, 1999 whether an Order to Show Cause should be entered commencing criminal contempt proceedings for alleged litigation misconduct in Bush Ranch I;

WHEREAS, the Court has consulted with the parties and has met with the United States Attorney for the Middle District of Georgia, and the Court has determined that the entire matter can be fully resolved in this civil proceeding in the manner set forth herein;

WHEREAS, the law firm of Alston & Bird acted as counsel of record for DuPont in Bush Ranch I and consents to participating in this civil action for the purpose of effectuating the relief set forth herein; and

WHEREAS, Alston & Bird denies any misconduct and all other allegations in the Petition and related proceedings, but acknowledges for itself a fundamental misunderstanding of the intent of the Court's discovery requirements in the Bush Ranch I proceedings and that such misunderstanding provided sufficient grounds for the investigation by the Court.

NOW, THEREFORE, it is hereby ORDERED that all claims and charges arising out of the transactions and occurrences alleged in the Petition are hereby dismissed with prejudice and fully satisfied by the following payments and actions:

1. DuPont has agreed to provide funding for certain legal education programs described herein and for that purpose has agreed to pay the sum of \$11,000,000.00, contemporaneously with the entry of this order, into an escrow account at Sun Trust Bank in Macon, Georgia, to be disbursed by an escrow agent acceptable to the Court on specific terms subject to approval by the Court in the following amounts:

a. \$2,500,000 each to the law schools at the University of Georgia, Georgia State University, Emory University, and Mercer University to enable

each to endow a professorial chair, the exact title of which shall be determined by the Court and which generally shall be devoted to fostering and teaching professionalism and ethics in the practice of law.

b. \$1,000,000 to endow an annual symposium on professionalism and ethics in the practice of law to be organized and hosted on a rotating basis by each of the law schools named above in paragraph 1.a or such other institutions as may be approved by the Court upon such terms as may be approved by the Court.

2. Alston & Bird has agreed to and shall pay the sum of \$250,000 to the Commission on Professionalism of the Chief Justice of the Supreme Court of Georgia, to be used by that organization, subject to the approval of this Court, for furthering the goals of enhancing the professionalism of the practicing bar of Georgia.
3. DuPont has agreed to pay and Petitioners have agreed to accept an amount approved by the Court for Petitioners' costs and attorneys' fees incurred in prosecuting the Petition and Petitioners and their counsel have agreed fully to release any and all claims or obligations, known or unknown, arising out of or relating in any way to the transactions or occurrences set forth in the Petition. This amount shall be paid upon the execution and delivery of the releases.

4. This Order terminates this case and all proceedings relating thereto, including the show cause proceedings referenced in the Court's November 4, 1998 order, and constitutes a Final Judgment within the meaning of Federal Rule of Civil Procedure 54(a), provided, however, that the Court shall retain such jurisdiction as it may deem necessary to oversee the implementation of the programs described in paragraphs 1 and 2, above.

SO ORDERED, this 31st day of December, 1998.

Hugh Lawson
HUGH LAWSON, JUDGE

ENTERED IN DOCKET
12/31/98
Gregory A. Sanders
Clerk

CONSENTED TO:

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