

ANTONIO TOLBERT, *et al.* )  
 )  
 Plaintiffs, )  
 )  
 V. ) Civil Action Number  
 ) 2:01-cv-1407-UWC  
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 MONSANTO COMPANY; AND )  
 PHARMACIA CORPORATION, )  
 )  
 Defendants. )

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GERALDINE OLIVER, *et al.* )  
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 Plaintiff, )  
 )  
 V. ) Civil Action Number  
 ) 2:02-cv-836-UWC  
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 MONSANTO COMPANY; AND )  
 PHARMACIA CORPORATION; )  
 )  
 Defendants. )

**ORDER CLARIFYING THE RIGHTS OF MINOR CLAIMANTS WHO ACCEPT  
THE OPTIONAL PAYMENT OF \$288.50 IN LIEU OF BEING BLOOD TESTED**

Before this Court is a July 6, 2007 Report of the Claims Administrator suggesting that minor claimants<sup>1</sup> accepting a payment of \$288.50 in lieu of being blood tested (“\$288.50 option”) be paid 50% of their Registered Nurse interview score, the same amount received by minor claimants who take the blood test and score zero for PCB’s.

The Court notes that blood tested adult claimants scoring zero for PCB’s are not paid for their Registered Nurse interview score while blood tested minor claimants with the same zero score are paid 50% of their Registered Nurse interview score based upon payment protocols approved by this Court’s

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<sup>1</sup> Born on or after July 1, 1985.

Adults accepting the \$288.50 option are not paid for their Registered Nurse interview score because there is no evidence that they would have scored positive on their PCB blood test. This rationale does not apply to minor claimants, who would be entitled to 50% of their Registered Nurse interview score had they taken the PCB blood test and scored zero. The Court therefore finds it appropriate for the Claims Administrator to pay minor claimants accepting the \$288.50 option 50% of their Registered Nurse interview score, together with any interest that has accrued thereon under the payment protocols approved by the December 21, 2005 Order.

Based upon the foregoing, and, after considering all other evidence, matters and things as are appropriate, it is hereby ORDERED, ADJUDGED and DECREED as follows:

1. The Court hereby clarifies its previous Orders by requiring the Claims Administrator to pay minor claimants accepting the \$288.50 option 50% of their Registered Nurse interview score, together with any interest accrued thereon under the payment protocols previously approved by this Court; and
2. Provided that the Claims Administrator, his agents, employees, co-workers or staff, act in accordance with the provisions of the Claimant Payment Program approved by previous Orders of this Court and clarified by this Order, they are hereby granted judicial immunity and are protected and immune from liability in connection with paying the resulting claimant benefits to minor claimants.

Done the 31st day of July, 2007.

  
U.W. Clemon  
United States District Judge