

– FOREIGN CLAIM EVALUATION PROCESS –

**PROCESSING OF MANVILLE TRUST CLAIMS WITH FOREIGN
(NON-U.S. OR NON-CANADIAN) EXPOSURE**

Policy Approved at Manville Trustees' Meeting September 21, 2009

The Manville Trust's procedures for processing foreign claims reflect the policies of Section C of the 2002 Manville Trust Distribution Process ("TDP") dealing with Non-Standard Claims. Each foreign claim will be individually evaluated in light of a variety of factors, including evidence of exposure to Manville asbestos and typical values for claims against defendants like Manville in the claimant's jurisdiction. As a threshold, all foreign claims must present evidence of an asbestos-related injury that would sustain a cause of action against Manville under the law of the claimant's jurisdiction. Foreign claimants bear the burden of providing documentary evidence meeting the valuation factors.

POLICY

TDP Section C.1. Valuation of Non-Standard Claims.

(b) The Trust anticipates it may be presented with claims involving new or different causation and valuation factors not reflected in the Schedule of Asbestos-Related Diseases and Values set forth herein, *including claims filed on behalf of claimants whose asbestos exposure took place outside the United States and Canada.* In the event the Trust determines that a claim(s) involves new or different causation and valuation factors, such claim(s) will not be eligible for valuation under the Schedule of Asbestos-Related Diseases and Values. Instead, *such claims will be individually evaluated in accordance with the CRP Factors¹ when they come up for processing in the FIFO queue. In evaluating such claims, the Trust may gather or request the claimant(s) to provide supplementary information, including the nature of the disease and the tort law, litigation practice, and liquidated values currently experienced in settlements and verdicts for similar claims in the jurisdiction in which the claim arose.* The Trust, with the concurrence of the SCB and the Legal Representative, after consultation with the Special Advisor, may also use such information to develop separate Scheduled Values and new Disease Categories for such Non-Standard Claims.

¹ The "CRP Factors" refer to the factors set forth for evaluating claims in § II.B.6 of the Claims Resolution Procedures, the predecessor to the TDP incorporated in the approved Manville bankruptcy Plan. That provision directs the Trust to evaluate each individual claim based upon all relevant factors of the traditional tort principles of damages of the state law applicable to the cause of action, with a list of specific typical valuation factors for personal injury claims in the tort system.

TDP Section C.3 Evaluation Factors.

All claims must present evidence of an asbestos-related injury resulting from exposure to Manville asbestos that will sustain a cause of action under applicable law. Individual evaluations of claims will be based on the CRP Factors affecting the amount of damages, including without limitation, disease, age, current settlements and verdicts in the tort system in the claimant's jurisdiction, Manville's relevant market share, whether the claimant is living or dead (as of the earlier of the filing of the claim or a lawsuit involving the claim), disability, dependency, special damages, pain and suffering, and evidence that the claimant's damages were (or were not) related to asbestos exposure (for example, alternative causes, strength of documentation of injuries). For these purposes, the claimant may elect as the "claimant's jurisdiction" either (a) the jurisdiction in which the claimant resides at the time of diagnosis or when the claims is filed with the Trust; or (b) a jurisdiction in which the claimant had exposure to Manville asbestos.

CRMC PROCESSING PROCEDURES

1. Determination of Foreign Status

The first step in processing foreign claims is determining that a new claim is a foreign claim subject to Individual Evaluation under TDP Section C. Pursuant to TDP §C.1(b), claims filed on behalf of claimants whose asbestos exposure took place outside the United States and Canada are foreign claims. CRMC's claims processing system, e-Claims, programmatically determines the claim's primary country of exposure using the following steps.

- a) Each exposure record entered into the e-Claims system will contain a country of exposure which must be the specific country in which the exposure took place.
- b) For any country of exposure outside the U.S. or Canada, a follow-up question will be prompted: "Did this exposure occur at a U.S. military installation, U.S. Embassy complex or on a U.S. Military Ship?"
- c) All exposure records for a given claim will be used to determine the claim's primary country of exposure, which is the country where the majority of the claimant's exposure took place.
- d) In addition to the primary country of exposure, this calculation will also determine the claim's classification, an indicator used in calculating claim value. The classification is determined in the following manner:
 1. When evaluating each claim exposure record, if the follow-up question (defined in b, above) is set to yes AND the claimant has a U.S. social security number, the system will automatically consider this exposure record as U.S.
 2. Based on all exposure records, a claim classification will be assigned; if the calculation returns a value of anything other than U.S. or Canada, the claim classification will be set to "NON" for non-standard.

Claims designated with a classification of "NON" on this basis are foreign claims. They will receive the assigned Categorization Decision Tree ("CDT") level designation, but with zero value. These foreign claims will then automatically go into the Individual Evaluation queue for processing.

2. Document Submission

Once a claim is classified as a foreign claim, the e-Claims system will automatically advise the user that the claim will be placed in the Individual Evaluation queue.

In order for Individual Evaluation to proceed, filers of foreign claims “*bear the burden of providing documentary evidence meeting the evaluation factors.*” Therefore, CRMC requires foreign claimants to submit documentation that supports the settlement and valuation that the claimant seeks.

As a threshold, pursuant to TDP §C.3, all foreign claims must present evidence of an asbestos-related injury that would sustain a cause of action against Manville under the law of the claimant’s jurisdiction. The Trust has determined that a cause of action does exist in Australia and the United Kingdom; therefore, evidence supporting the cause of action is not required for claims where the primary country of exposure is Australia or the United Kingdom, only.

In addition to the above threshold, all foreign claimants must submit documentation:

1. Outlining the claimant’s asbestos exposure history – all periods of asbestos exposure;
2. Supporting the value that claimant seeks for his or her injury;
3. Relating to judgments or settlements made with any defendants arising from the asbestos-related injury for which the claim is being made; and
4. Consisting of medical reports in English, if not previously provided. If the reports were created in a different language, the law firm, and/or claimant, must have the reports translated into English. Submitted medical evidence must comply with the requirements for each disease level outlined in the TDP.

Depending on the particular claim and applicable law in the claimant’s jurisdiction, the claimant may be required to submit additional documents relating to their eligibility for Manville Trust compensation.

The claim will remain in an inactive status within the Individual Evaluation queue until the claimant or counsel indicates that these required documentary submissions have been made and that he or she is ready to negotiate the claim.

3. Evaluation

Once the claimant or counsel indicates that the required documentary submissions have been made and that he or she is ready to negotiate the claim, CRMC’s Claims Settlement Negotiator (“CSN”) will change the claim status to *active* and review the filer’s documentary submissions as well as any relevant supplementary material CRMC has gathered, as soon as practical. Evaluations will be conducted pursuant to Manville TDP Section C. Based on this review, the CSN will communicate a settlement offer to the filer. The offer will be open to negotiation. However, please note that if the submission requirements were not met, and that if the claim is not perfected, the claimant will receive a denial letter.

In the event the claim is not resolved through negotiation in the Individual Evaluation process, the filer may pursue arbitration pursuant to 2002 TDP §F.2 and the Manville Trust ADR procedures.