

Instructions for Completing the NARCO Asbestos Trust Proof of Claim Form for Unliquidated Claims

These instructions have been designed to assist you with the completion and submission of your proof of claim (the “POC”) form to the North America Refractories Company Asbestos Personal Injury Settlement Trust (the “NARCO Asbestos Trust”). These instructions are intended to summarize certain significant issues related to filing a personal injury claim with the NARCO Asbestos Trust. Nothing in these instructions is intended to replace or modify the requirements of the First Amended North American Refractories Company Asbestos Personal Injury Settlement Trust Distribution Procedures (the “TDP”). All claimants are encouraged to thoroughly read and understand the TDP (available on the NARCO Asbestos Trust’s website at www.narcoasbestostrust.org) before filing a claim with the NARCO Asbestos Trust. Capitalized terms used but not defined in these instructions shall have the meanings assigned in the TDP.

Most important to the successful processing of your claim is to ensure that it is accurate and complete. The NARCO Asbestos Trust encourages you to review your claim carefully before submitting it. Please note that you are verifying this claim form and the information submitted in support of the claim. If you are an attorney, by signing you are certifying the information submitted consistent with and subject to Rule 11 of the Federal Rules of Civil Procedure. If you are an individual not represented by an attorney, you are attesting to the truth of this information under penalty of perjury.

Please understand that if a claim form is not complete it will be returned to you with a notice of the necessary corrections that need to be made. There are numerous submissions that *must* accompany the POC. Therefore, please review the checklist at the end of the POC prior to submission.

Claims Resolution Management Corporation (“CRMC”), the NARCO Asbestos Trust’s claims processing facility, has the capability to accept POCs in electronic format. If you wish to file claims electronically, please contact the help line at (800) 536-2722 or narcoinquiry@claimsres.com for further information and instructions. If you are a first-time filer, we recommend that you contact us to register your law firm prior to submitting your claim. This will help expedite the claim-filing process.

If you have questions or need assistance in filling out the POC and determining what must be attached in order for your claim to be processed, please contact the CRMC help line at (800) 536-2722.

When you are ready to submit your completed form, please send it to:

Claims Resolution Management Corporation
3120 Fairview Park Drive, Suite 200
Falls Church, VA 22042

COMPLETING THE NARCO ASBESTOS TRUST PROOF OF CLAIM FORM

ELECTION PROCESS

Incorrect completion of this section may impact the processing of your claim which could result in processing delays or the return of your claim form. Therefore, please ensure that proper election(s) are made. The following information is provided to assist you in making the correct election(s):

- 1) Unliquidated Pre-established Claim. An unliquidated Pre-Established Claim is (i) an unliquidated NARCO Asbestos Trust Claim that was filed and served on NARCO or Honeywell as a defendant in the tort system prior to January 4, 2002 (the “Petition Date”), based upon allegations that the injured party’s alleged asbestos-related injury arose in whole or in part from exposure to a NARCO asbestos-containing product, or (ii) a claim subject to a binding settlement agreement, entered into with Honeywell after the Petition Date but prior to April 30, 2013 (the “Effective Date”), and the settlement agreement entitles the claimant to file a NARCO Asbestos Trust Claim to be liquidated by the Trust in accordance with the provisions of the TDP.

- 2) Special situations. Section 4.4 of the TDP describes three special situations that may apply to a claim. Please note that if you elect any of these situations, your claim will be reviewed via the Individual Review process and you may be asked to submit additional information in support of the claim. To help you in selecting a special situation, the following information is provided:
 - a. Extraordinary. Section 4.4(a) of the TDP – “‘Extraordinary Claim’ means a NARCO Asbestos Trust Claim that otherwise satisfies the Medical/Exposure Criteria for Disease Levels III- VII, and that is held by a claimant whose exposure to asbestos (i) occurred primarily as a result of working in a manufacturing facility of NARCO or its predecessors during a period in which NARCO was manufacturing asbestos containing products at that facility, provided that the claim is a tort claim that is not otherwise barred pursuant to a statutory workers’ compensation program, or (ii) was at least 75% the result of exposure to a specific asbestos containing product manufactured or distributed by NARCO or its predecessors and there is little likelihood of a substantial recovery elsewhere.”

 - b. Exigent Health. Section 4.4(b)(1) of the TDP – “A claim qualifies as an Exigent Health Claim if the claim meets the Medical/Exposure Criteria for Severe Asbestosis (Disease Level III) or an asbestos-related malignancy (Disease Levels IV-VII), and the claimant provides a declaration or affidavit made under penalty of perjury by a physician who has examined the claimant within one hundred twenty (120) days of the date of declaration or affidavit in which the physician states (a) that there is substantial medical doubt that the claimant will survive beyond six months

from the date of the declaration or affidavit, and (b) that the claimant's terminal condition is caused by the relevant asbestos-related disease.”

- c. Exigent Hardship. Section 4.4(b)(2) of the TDP – “A NARCO Asbestos Trust Claim qualifies for payment as an Exigent Hardship Claim if the claim meets the Medical/Exposure Criteria for Severe Asbestosis (Disease Level III) or an asbestos-related malignancy (Disease Levels IV-VII), and the NARCO Asbestos Trust, in its sole discretion, determines (a) that the claimant needs financial assistance on an immediate basis based on the claimant's expenses and all sources of available income, and (b) that there is a causal connection between the claimant's dire financial condition and the claimant's asbestos-related disease”.

3) Desired review process. The Claimant must elect whether to have their claim evaluated via the Expedited or Individual Review processes. However, specific rules may apply to the election based on special situations or Disease Level. These rules are stated throughout the TDP and are summarized below:

- a. Claimants who have elected a special situation (Extraordinary, Exigent Health, or Exigent Hardship) MUST elect Individual Review.
- b. Claimants who allege an asbestos-related disease resulting solely from exposure to an occupationally exposed person, such as a family member, MUST elect Individual Review.
- c. Claimants whose asbestos exposure to an asbestos-containing product for which NARCO has legal responsibility occurred outside the United States and its Territories and Possessions, and outside of the Provinces and Territories of Canada MUST elect Individual Review.
- d. Claimants alleging Disease Level V, Lung Cancer II MUST elect Individual Review.
- e. Claimants alleging Disease Level I, Other Asbestos Disease MUST elect Expedited Review except in the case of Secondary Exposure Claims or Foreign Claims.
- f. Claimants alleging Disease Level II, Asbestosis/Pleural Disease MUST elect Expedited Review except in the case of Secondary Exposure Claims or Foreign Claims.

*** Please note that additional information may be requested to evaluate a claim under Individual Review.*

PART 1: INJURED PARTY INFORMATION

This section is mandatory. Clarification as to certain data elements follows:

Claimant's Jurisdiction. Defined in Section 4.3(b)(2) of the TDP – “For these purposes, the "Claimant's Jurisdiction" is the jurisdiction in which the claimant's complaint specifically naming NARCO and/or Honeywell was pending (if at all) against NARCO or Honeywell in the tort system prior to the Petition Date. If the claim was not pending against NARCO and/or Honeywell as a named party in the tort system prior to the Petition Date, the Claimant's Jurisdiction is either (i) the jurisdiction in which the claimant was allegedly exposed to a NARCO asbestos-containing product, or (ii) the jurisdiction in which the claimant resides at the time the claim is filed with the NARCO Asbestos Trust.”

If the injured party is deceased, you must provide the date of death, supported by the submission of a Death Certificate and Letters of Administration or other proof of the personal representative's official capacity as provided or allowed by applicable state law (if personal representative information is provided).

If a Jurisdiction Election is made that is not in accordance with the TDP provisions the claim will be deficient until the proper election is made.

PART 2: LAW FIRM/ATTORNEY INFORMATION

All required data is self-explanatory.

PART 3: ASBESTOS – RELATED INJURY

You must allege the **most serious** asbestos-related injury from the selections that follow. The scheduled / liquidated value of each Disease Level is shown, followed by the required medical and exposure criteria. The asterisk for Disease Levels II, III, IV and VI indicates that the Disease Level requires Significant Occupational Exposure (“SOE”) to asbestos. Be sure to include the first diagnosis date for the asbestos-related injury selected.

Level I: Other Asbestos Disease – \$1,200

1. Diagnosis of a Bilateral Asbestos-Related Non-Malignant Disease¹,
2. The requisite evidence of occupational exposure to a specific asbestos-containing product manufactured or distributed by NARCO or its predecessors, and
3. Five (5) years cumulative occupational exposure to asbestos.

**** Level II: Asbestosis/Pleural Disease – \$7,500***

1. (a) Diagnosis of a Bilateral Asbestos-Related Non-Malignant Disease,¹ and
(b) TLC less than 80%, or FVC less than 80% plus FEV1/FVC ratio greater than or equal to 65%, and

2. The requisite evidence of occupational exposure to a specific asbestos-containing product manufactured or distributed by NARCO or its predecessors,
3. Significant Occupational Exposure to asbestos, and
4. Supporting medical documentation establishing asbestos exposure as a contributing factor in causing the pulmonary disease in question.

***Level III: Severe Asbestosis – \$18,000**

1. Diagnosis of asbestosis with ILO of 2/1 or greater, or asbestosis determined by pathological evidence of asbestos, plus (a) TLC less than 65%, or (b) FVC less than 65% plus FEV1/FVC ratio greater than 65%,
2. The requisite evidence of occupational exposure to a specific asbestos-containing product manufactured or distributed by NARCO or its predecessors,
3. Significant Occupational Exposure to asbestos, and
4. Supporting medical documentation establishing asbestos exposure as a contributing factor in causing the pulmonary disease in question.

***Level IV Other Cancer – \$9,000**

1. Diagnosis of a primary colo-rectal, laryngeal, esophageal, pharyngeal, or stomach cancer, plus evidence of an underlying Bilateral Asbestos-Related Nonmalignant Disease¹, and
2. the requisite evidence of occupational exposure to a specific asbestos-containing product manufactured or distributed by NARCO or its predecessors,
3. Significant Occupational Exposure to asbestos, and
4. Supporting medical documentation establishing asbestos exposure as a contributing factor in causing the other cancer in question.

Level V Lung Cancer 2– None

1. Diagnosis of a primary lung cancer;
2. The requisite evidence of occupational exposure to a specific asbestos-containing product manufactured or distributed by NARCO or its predecessors, and
3. Supporting medical documentation establishing asbestos exposure as a contributing factor in causing the lung cancer in question.

¹Evidence of “**Bilateral Asbestos-Related Non-Malignant Disease**” for purposes of meeting the criteria for establishing Disease Levels, I, II, IV and VI, means either (i) a chest X-ray read by a NIOSH certified B-Reader of 1/0 or higher on the ILO scale or (ii) (x) a chest X-ray read by a NIOSH certified B-Reader, (y) a CT scan read by a qualified physician, or (z) pathology, in each case showing either bilateral interstitial fibrosis, bilateral pleural plaques, bilateral pleural thickening, or bilateral pleural calcification. Solely for claims filed against NARCO, Honeywell, or another asbestos defendant in the tort system prior to the Petition Date, if an ILO reading is not available, either (i) a chest X-ray or a CT scan read by a qualified physician, or (ii) pathology, in each case showing either bilateral interstitial fibrosis, bilateral pleural plaques, bilateral pleural thickening, or bilateral pleural calcification consistent with or compatible with a diagnosis of asbestos-related disease, shall be evidence of a Bilateral Asbestos-Related

Nonmalignant Disease for purposes of meeting the presumptive medical requirements of Disease Levels I, II, IV, and VI.

***Level VI Lung Cancer 1– \$18,000**

1. Diagnosis of a primary lung cancer, plus evidence of an underlying Bilateral Asbestos-Related Nonmalignant Disease¹,
2. The requisite evidence of occupational exposure to a specific asbestos-containing product manufactured or distributed by NARCO or its predecessors,
3. Significant Occupational Exposure to asbestos, and
4. Supporting medical documentation establishing asbestos exposure as a contributing factor in causing the lung cancer in question.

Level VII: Mesothelioma – \$75,000

1. Diagnosis of mesothelioma; and
2. The requisite evidence of exposure to a specific asbestos-containing product manufactured or distributed by NARCO or its predecessors.

Additional Medical Requirements:

TDP Section 4.7(a)(1)(A) Disease Levels I-III: Except for claims filed against NARCO or Honeywell and claims filed against other defendants in the tort system prior to the Petition Date, all diagnoses of a non-malignant asbestos-related disease (Disease Levels I-III) shall be based in the case of a claimant who was living at the time the claim was filed, upon a physical examination of the claimant by the physician providing the diagnosis of the asbestos-related disease. [The exception noted in the preceding sentence shall not apply if the holder of the claim has available a diagnosis by an examining physician engaged by the holder or if the holder has filed a diagnosis by an examining physician with another asbestos-related personal injury settlement trust (in which event the diagnosis must be submitted to the Trust (as 4.7(a)(1)(C) requires)].

In the case of a claimant who was deceased at the time the claim was filed, all diagnoses of a non-malignant asbestos-related disease (Disease Levels I-III) shall be based on (i) either (a) a physical examination of the claimant by the physician providing the diagnosis of the asbestos-related disease; (b) pathological evidence of the non-malignant asbestos-related disease; or (c) in the case of Disease Levels I-II, evidence of Bilateral Asbestos-Related Nonmalignant Disease (defined in footnote 1) and for Disease Level III, either an ILO reading of 2/1 or greater or pathological evidence of asbestosis; and (ii) for either Disease Level II or III, pulmonary function testing.

TDP Section 4.7(a)(1)(B) Disease Levels IV- VII: All diagnoses of an asbestos-related malignancy (Disease Levels IV – VII) shall be based upon either (i) a physical examination of the claimant by the physician providing the diagnosis, or (ii) on a diagnosis of such a malignant Disease Level by a board-certified pathologist.

PART 4: LITIGATION

If an asbestos-related lawsuit has ever been filed on behalf of the injured party, the appropriate information in this part must be completed. The face sheet of the complaint or full caption of the case must be provided with the POC to confirm the information and show the names of the plaintiff(s) and defendant(s). [NOTE: LITIGATION INFORMATION IS RELEVANT EVEN IF NEITHER NARCO NOR HONEYWELL WAS NAMED, AS THE TDP HAS VARIOUS PROVISIONS THAT ARE APPLICABLE IF THE INJURED PARTY HAS FILED A LAWSUIT.] In addition, proof of service must be provided if litigation information is provided and the claimant is seeking to prove that the claim is an unliquidated Pre-Established Claim as a result of being filed and served on NARCO or Honeywell as a defendant in the tort system prior to the Petition Date. This Part 4 must be completed in its entirety if a lawsuit on behalf of the injured party exists or existed in the past, even if not presently pending.

PART 5: EXPOSURE TO NARCO ASBESTOS-CONTAINING PRODUCTS

Part 5, Subpart A is used to describe NARCO exposure, thus completion is mandatory. In order to qualify for any Disease Level, the injured party or the occupationally-exposed person in the case of a secondary exposure claim must submit requisite evidence of exposure to a specific asbestos-containing product manufactured, sold or distributed by NARCO or its predecessors, which includes demonstrating both the presence of such products at a particular site at a particular time and the individual's occupational exposure to that product.

In determining exposure, the injured party or the occupationally-exposed person in the case of a secondary exposure claim must demonstrate exposure by evidence that shows he/she either:

- a) Worked on a regular basis with a NARCO asbestos-containing product, or
- b) Worked on a regular basis in close proximity to workers who:
 - i. Fabricated NARCO asbestos-containing products so that he/she in the fabrication process was exposed on a regular basis to raw asbestos fibers; or
 - ii. Installed, altered, repaired, removed or otherwise worked with a NARCO asbestos-containing product such that he/she was exposed on a regular basis to asbestos fibers.

Following are some specifics regarding Subpart A completion:

- 1) Pre-determined Industry, Occupation and Product code(s) are listed on pages 13 through 16 of the POC.
- 2) Industry Code 25 for "Other", requires the claimant to describe the industry in which the exposure took place.
- 3) Use the Occupation code, closest to the actual duties, as listed on pages 14-15 of the POC. If you would like to clarify the occupation, you may do so in the comment line.

- 4) A list of approved Work Sites with approved date ranges is available under the Documents tab at www.claimsres.com.
- 5) The Work Site code “NQ” is to be used when the work site/plant of exposure is not on the approved work site list.
- 6) If Work Site code “NQ” is used, you must enter the name and address of the Site at which NARCO exposure is alleged and the specific NARCO asbestos-containing product to which exposure is alleged from the Product Codes(s) from the Product listing on page 16 of the POC.
- 7) Exposure entered in Subpart A MAY count toward Significant Occupational Exposure (“SOE”) if employment was prior to December 1, 1986 AND is on the approved Presumptive SOE Industry-Occupation Table. (The Presumptive SOE Industry-Occupation Table is available under the Documents Tab at www.claimsres.com.)

Following are some specifics regarding Subpart B completion:

- 1) Subpart B is required ONLY for secondary exposure including family member.
- 2) Since injured party’s exposure was secondary (based upon exposure to an occupationally-exposed person), the injured party must state the relationship to the occupationally-exposed person at the time of exposure.
- 3) To select a relationship of “family” the injured party must have resided with the occupationally-exposed person during the period in which the occupationally-exposed person was exposed.

Sufficiency of Evidence - NARCO exposure submission requirements for Part 5:

- 1) All alleged NARCO exposure MUST be confirmed by submission of credible evidence that the injured party or the occupationally-exposed person in the case of a secondary exposure claim was exposed to a NARCO asbestos-containing product manufactured, sold or distributed by NARCO or its predecessors.
- 2) Section 4.7(b)(3) of the TDP states that “The NARCO Asbestos Trust may consider as evidence an affidavit of the claimant, an affidavit of one or more Co-workers² or the affidavit of a family member in the case of a deceased claimant, depositions, sworn interrogatory answers, invoices, construction or similar records, or other competent evidence. The NARCO Asbestos Trust can also require submission of other or additional evidence of exposure when it deems such to be necessary.”

²As used above, “**Co-worker**” shall mean one or more individuals who provide competent sworn testimony (i) that the claimant worked with or around refractory products and (ii) that asbestos-containing products manufactured or distributed by NARCO were present at the worksite during the relevant period. A Co-worker’s affidavit must provide sufficient evidence to show that the Co-worker meets this definition. This definition means that for an individual to qualify as a Co-worker of the injured party they had to have been working at the same site in the same time-frame.

PART 6: OTHER REQUISITE EXPOSURE TO ASBESTOS-CONTAINING PRODUCTS OR ACTIVITIES

Part 6 covers claimant's other requisite exposure to asbestos (non- NARCO or its predecessors). This part can help claimants qualify for Disease Levels that have an SOE requirement, i.e. Disease Levels II, III, IV and VI and for Disease Level I, which requires five (5) years cumulative occupational exposure to asbestos.

There are a few differences between completing Part 6 and completing Part 5 that appear in Subpart A. Because these exposures took place at a non-NARCO site and do not involve NARCO asbestos-containing product exposures, it is not necessary to identify the product(s) to which exposure is alleged at those non-NARCO sites. Also, you must provide the site information since these exposures took place at a non-NARCO site. Additionally, the "Description of Occupational Exposure at this worksite" section requires the claimant to indicate how the injured party or the occupationally-exposed person in the case of a secondary exposure claim was exposed. All other fields remain as explained under Part 5.

Sufficiency of Evidence – Sufficient evidence for Other Requisite Occupational Exposure is as stated in Paragraph 4.7(b)(3) of the TDP, "The NARCO Asbestos Trust may consider as evidence an affidavit of the claimant, an affidavit of one or more Co-workers² or the affidavit of a family member in the case of a deceased claimant, depositions, sworn interrogatory answers, invoices, construction or similar records, or other competent evidence. The NARCO Asbestos Trust can also require submission of other or additional evidence of exposure when it deems such to be necessary." For deposition transcripts and sworn interrogatory answers submitted in support of a claim, the claimant **shall** clearly designate the relevant portions of the transcript and/or answers. The NARCO Asbestos Trust will not review the transcript and/or answers if the relevant portions have not been clearly designated.

PART 7: ADDITIONAL INFORMATION FOR CLAIMANTS SEEKING INDIVIDUAL REVIEW

Part 7 must be completed if the claimant elects Individual Review ("IR") or if the claimant is required to go through IR. Claims requiring IR include: Disease Level V, Lung Cancer 2; Exigent; Extraordinary; Secondary Exposure Claims and Foreign Claims. All applicable sections of Part 7 must be completed. The last section of Part 7, Other Factors for Consideration, allows you to provide an explanation of any other factors not covered in the previous sections that you feel should be considered during the Trust's review of the claim.

PART 8: SIGNATURE

All claims must be signed by the injured party's attorney or, if the injured party is not represented by an attorney, the injured party or the injured party's personal representative. Please note that the individual who signs is verifying this claim form and the information submitted in support of the claim. If you are an attorney, by signing you are certifying the information submitted consistent with and subject to Rule 11 of the

Federal Rules of Civil Procedure. If you are an individual not represented by an attorney, you are attesting to the truth of this information under penalty of perjury.

HELPFUL TIPS

Review your claim one last time before you submit it to CRMC. Missing sections, attachments, or conflicting information will result in your claim being returned to you for correction and resubmission.

Check to ensure that your supporting documentation is for the same person indicated on the POC. Frequently, we find medical reports mismatched with claim forms. **Please do not staple the claim form or medical documentation.** Once received by CRMC, all documents are immediately scanned and imaged, which will be slowed if documents are stapled.

A death certificate is NOT acceptable as medical documentation. However, it must be provided if the injured party is deceased.

All medical and other supporting documents must be readable. If poor photocopies are attached, the claims will be considered incomplete, and will be returned.

Note that an acceptable ILO form must include the date of x-ray, date of reading, doctor name, and claimant name and/or Social Security Number. If only the physician's initials appear on the ILO, please write the physician's name on the form.

An acceptable Pulmonary Function Test must include the facility name, claimant name or Social Security Number, and date of the test.

Please do not provide medical records from physicians or pulmonary function laboratories the Trust does not accept. The lists of unacceptable physicians and laboratories are available under the Documents tab at www.claimsres.com.

When completing the exposure sections of the claim form the month and year are required for both the start and end dates. You may not write in terms such as: intermittently, approximate, etc. or the form will be returned to you. If an injured party was exposed at multiple locations during a time frame each record must be provided individually.

If deposition transcripts or sworn interrogatory answers are submitted in support of a claim, the relevant portions of the transcript and/or answers must be clearly designated. The NARCO Asbestos Trust will not review the transcript and/or answers if the relevant portions have not been clearly designated.

Be sure to list the person CRMC should contact if there is a question about the claim. If a law firm is submitting the claim, complete the cover page indicating the person(s) in your firm responsible for answering filing questions and collecting the needed information. In most cases, this is not the attorney of record.

If you are new to claim filing or not sure of the accepted way to complete claim forms, call CRMC or send CRMC a copy to preview before you submit your claim. Likewise, if you have created your own automated version of our form (for paper filings), and have not yet submitted it to CRMC, CRMC must review and approve it before you begin the submission process.

When in doubt, call CRMC; we are happy to help. The more assistance we can provide before you file your claim, the less time and frustration we will both experience in the processing of your claim.

Please review the checklist below prior to submitting your claim. This will ensure that all required documentation is attached.

Form completion:

- Check the entered Industry Code(s), Occupation Code(s), Product Code(s) and Work Site Code(s) for proper entry.
- Claim form has been signed by counsel or, if not represented by counsel, the injured party or personal representative.
- Exposure information is complete, including month and year for each record.
- The most serious diagnosed injury has been alleged.
- A First Diagnosis Date has been entered.

Attachments, supporting documentation:

- Death Certificate, if injured party is deceased.
- Letters of administration or other proof of the personal representative's official capacity as provided or allowed by applicable state law (if personal representative information is provided).
- Face Sheet or first pages showing full caption of complaint when litigation information is provided.
- Proof of Service if litigation information provided and the claimant is seeking to prove that the claim is an unliquidated Pre-Established Claim as a result of being filed and served on NARCO or Honeywell as a defendant in the tort system prior to the Petition Date. Acceptable forms of Proof of Service are (a) a dated return of summons verifying service on NARCO or Honeywell with respect to alleged NARCO product exposure and (b) a court file-stamped and dated copy of an answer by NARCO or Honeywell with respect to the alleged NARCO product exposure.
- Medical report(s) supporting the alleged disease. (A death certificate is not a medical.)
- Proof of exposure to NARCO Product(s), as stated in Parts 5/6.
- Proof of other requisite exposure to asbestos, as stated in Parts 5/6, if applicable.
- Proof of Economic Loss when IR elected and Economic Loss claimed.