

November 7, 2016

## **SUPPLEMENTAL NOTICE OF NARCO ASBESTOS TRUST FILING DEADLINES**

The NARCO Asbestos Trust provides this supplemental notice to alert claimants to the provisions of Section 4.1(a)(2) of the NARCO Asbestos Trust Distribution Procedures (“TDP”) regarding the filing deadline for certain claims.

Section 4.1(a)(2) of the TDP has been amended as reflected on Exhibit A attached hereto to revise the timing requirements and clarify the documentation required to toll the running of the applicable statute of limitations for a claim based on a filing with the NARCO Asbestos Trust. The amendment provides that both: (i) claimants first diagnosed on or after January 4, 2002 (*i.e.*, the “Petition Date”), and (ii) claimants first diagnosed prior to January 4, 2002, whose claims were not already time-barred by January 4, 2002, and who submitted claims to the NARCO Asbestos Trust by May 1, 2014 that provided the NARCO Asbestos Trust with the injured party’s first and last name, date of birth, social security number, and law firm (if applicable) (collectively, the “Identifying Information”) may file (or supplement) a claim with the NARCO Asbestos Trust within three (3) years after the date of diagnosis or by **December 31, 2017**, whichever occurs later (the “Claims Filing Deadline”).

Any claimant will be deemed to have met the applicable statute of limitations if any of the following are satisfied:

1. The claim meets one of the tolling provisions described in (A) – (D) of Section 4.1(a)(2) of the TDP and was not barred by the applicable federal, state or foreign statutes of limitation and repose as of the date of the tolling; or
2. The injured party has a prepetition date of diagnosis, his/her claim was not time barred as of the Petition Date, he/she submitted the claim with the Identifying Information as of May 1, 2014, and either (a) the claim was marked as a “claim” by CRMC eligible to be processed and/or began to be or was processed as of the date of this Supplemental Notice, or (b) he/she submits a Proof of Claim Form as set forth below by the Claims Filing Deadline; or
3. The injured party has a postpetition date of diagnosis, the claimant filed a claim prior to the date of this Supplemental Notice, and the claim was marked as a “claim” by CRMC as eligible to be processed and/or began to be or was processed; or
4. For claims other than those set forth in section 1 and/or 3, the injured party has a postpetition date of diagnosis and either (i) the claimant filed a claim prior to the date of this Supplemental Notice and the claim was categorized as a “Filing” by the NARCO Asbestos Trust’s claims processor,<sup>1</sup> or (ii) the claim has not yet been filed with the NARCO Asbestos Trust as of the date of this Supplemental Notice, and in the case of both (i) and (ii), the claimant submits a Proof of Claim Form as set forth below by the Claims Filing Deadline.

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<sup>1</sup> If the “claim type” indicated for your claim is “FLN,” your claim is categorized by the NARCO Asbestos Trust’s claims processor as a “Filing.” eClaims users can verify their claim type in eClaims. Anyone who does not have access to eClaims may contact the NARCO Asbestos Trust’s claims processor to verify their claim type.

November 7, 2016

In order to toll the running of the applicable statute of limitations by filing a Proof of Claim Form, a claimant must file a Proof of Claim Form with all applicable questions answered in accordance with the Proof of Claim Form instructions found on the NARCO Asbestos Trust's website,<sup>2</sup> and submit all of the documentation listed below, except if a listed document is not applicable. The Required Documents are as follows:

- a. Death Certificate (if applicable);
- b. Face Sheet or first pages showing full caption of complaint when litigation information is provided;
- c. Proof of Service (as defined in the claim form instructions) 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;
- d. Medical reports to support the alleged disease;
- e. Proof of exposure to NARCO product(s);
- f. Proof of other requisite exposure to asbestos (if applicable); and
- g. Proof of Economic Loss when IR is elected and Economic Loss is claimed.

In the event any necessary document is missing due to loss, destruction, flood, fire or other exceptional circumstance that arose after the date of the Supplemental Notice, the claimant may demonstrate, with sufficient factual evidence, including a sworn affidavit under penalty of perjury, (i) the existence of the exceptional circumstance and (ii) his/her reasonable due diligence in response to the claimed exceptional circumstance. The NARCO Asbestos Trust will analyze the timeliness of the claim at the time the claimant submits the missing document(s) based on the facts of each case, the individual evidence presented, and the diligence exercised in curing the deficiencies, and make a decision, in the Trustees' discretion, whether the claim is time-barred. In these circumstances, the claimant must still file a Proof of Claim Form with the NARCO Asbestos Trust that answers all applicable questions and file the Required Documents to the extent such information and documents are available.

Any claimant who does not satisfy the requirements of 1, 2, 3, or 4 above, or the paragraph immediately above, shall have his or her claim deemed time-barred by the Trust; provided,

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<sup>2</sup> The following Proof of Claim forms are published on the NARCO Asbestos Trust's website:

- [NARCO Individual Review Proof of Claim Form](#)
- [Proof of Claim Form for Indirect Asbestos Trust Claims](#)
- [Proof of Claim Form - Unliquidated Claims \(ACC,PEU\)](#)
- [Proof of Claim Form - Liquidated Claims \(PEL\)](#)

November 7, 2016

however that if an injured party has a prepetition date of diagnosis and his or her claim was not barred as of the Petition Date but he or she did not submit the claim with Identifying Information as of May 1, 2014 or satisfy one of the tolling provisions described in 1 above, the claimant may seek to demonstrate relevant legal authority, together with factual evidence, supporting tolling for an additional period of time, in which event the NARCO Asbestos Trust will analyze the timeliness of the claim based on the facts of the case, the individual evidence presented and applicable law.

This Supplemental Notice addresses only the statute of limitations and the documents/information necessary to toll it. Nothing in this Supplemental Notice affects, diminishes, amends or otherwise impacts (i) the documentation or information that must be provided in order for a claim to be ready to be processed by the NARCO Asbestos Trust, and (ii) the requirements necessary to establish the validity of a claim under the TDP. To the extent a claim was time barred as of the Petition Date, it remains time barred; nothing in this Supplemental Notice revives any such claim.

**Exhibit A**

**4.1(a)(2) Effect of Statutes of Limitations and Repose.** All unliquidated NARCO Asbestos Trust Claims, including Pre-Established Claims subject to settlement agreements entered into between Honeywell and claimants after the Petition Date but prior to the Effective Date that permit the claimant to liquidate the claim pursuant to all relevant provisions of this NARCO Asbestos TDP, must meet either: (i) for claims first filed in the tort system against NARCO or Honeywell prior to the Petition Date, the applicable federal, state, and foreign statute of limitations and repose that was in effect at the time of the filing of the claim in the tort system; or (ii) for claims not filed against NARCO or Honeywell in the tort system prior to the Petition Date, the applicable federal, state and foreign statute of limitations and repose that is in effect at the time of the filing with the NARCO Asbestos Trust. However, the running of the applicable statute of limitations shall be tolled for purposes of these statutes as of the earliest of (A) the actual filing of the claim against NARCO or Honeywell prior to the Petition Date, whether in the tort system or by submission of the claim to NARCO or Honeywell pursuant to an administrative settlement agreement; (B) the filing of the claim after the Petition Date but prior to the Initial Claims Filing Date against another defendant in the tort system; (C) the filing of the requisite proof of claim in the Chapter 11 Cases; (D) the filing of a ballot in the Chapter 11 Cases for voting purposes; or (E) the filing of a proof of claim with the requisite supporting documentation with the NARCO Asbestos Trust after the Initial Claims Filing Date. If a NARCO Asbestos Trust Claim meets any of the tolling provisions described in the preceding sentence and was not barred by the applicable statute of limitations as of the date of the tolling, the NARCO Asbestos Trust Claim will be treated as timely filed regardless of the date that it is actually filed with the NARCO Asbestos Trust. In addition, the following claims will be considered timely filed with the NARCO Asbestos Trust if filed within three (3) years after the date of diagnosis or by December 31, 2017, whichever occurs later, irrespective of any relevant statute of limitations: (i) any claims that were first diagnosed after the Petition Date, or (ii) any claims that were first diagnosed prior to the Petition Date, not already time barred as of the Petition Date, thereafter filed with the NARCO Asbestos Trust by May 1, 2014 and by such time the filing included the injured party's first and last name, date of birth, Social Security number and law firm (if applicable). Notwithstanding anything to the contrary herein, in order for the relevant statute of limitations for a NARCO Asbestos Trust Claim to be tolled based on a filing of the claim with the NARCO Asbestos Trust, it must meet the requirements set forth in the attached Supplemental Notice, dated November 7, 2016.