

**Frequently Asked Questions**  
***Related to***  
**Third Party Discovery of Information and Documents**  
**Pursuant to the 2002 Manville Trust TDP**

*Revised March 2019*

**1. Under what authority does the Manville Trust release claim information?**

The Manville Personal Injury Settlement Trust releases claim information as directed by the 2002 Trust Distribution Process. Note that the Manville TDP designates Co-Defendants, like claimants, as Beneficiaries of the Trust. The relevant provisions of the TDP are as follows:

***I. All Trust Beneficiaries Treated Alike.***

*In order to conserve the assets of the Trust, except as set forth below, Trust Beneficiaries – both plaintiffs and defendants – will dismiss, without prejudice, all present cases, are enjoined from filing future litigation against Manville or the Trust, and are required to pursue their claims against the Trust only as provided in this TDP. Except as provided in Section F above and subsection 1(c) below, the Trust will make no appearance in any court, and no Trust Beneficiary will be permitted to proceed in any manner against the Trust or Manville in any state or federal court.*

***1. Litigation between Trust Beneficiaries***

***(b) Right to introduce evidence.*** *In any litigation between Trust Beneficiaries, all Beneficiaries shall retain their respective rights provided by applicable law to introduce evidence at trial in state or federal court.*

***(e) Discovery and informational issues.*** *The Trust shall comply with the rules of discovery pertaining to non-parties under applicable law.*

***(f) Verification of settlement information.*** *In response to a Co-Defendant request, the Trust and the claimant shall promptly verify, no later than the start of jury selection in the trial of an action by the claimant against the Co-Defendant, the fact of any settlement or any filing by the claimant of a claim with the Trust; and shall provide information regarding the amount and terms of any such settlement at the time and with the detail required by applicable law.*

**2. Under what circumstances does the Manville Trust disclose claim information?**

The Trust releases claim information in the following circumstances:

- a. Informal inquiry – The Trust will respond to communications requesting the status of claims if the requesting party is a Co-Defendant in current and active asbestos-related

litigation with the claimant. The Trust will state whether or not a claim has been filed and whether or not a claim has been settled, but will not provide the settlement amount.

b. Requests for records

- i. Subpoenas – The Manville Trust generally accepts out-of-state subpoenas for Manville claim records if:
  - 1) the subpoena complies with the procedural requirements of the jurisdiction from which it is issued;
  - 2) the requesting party is a Co-Defendant in current and active asbestos-related litigation; and
  - 3) the subpoena is accompanied by a cover letter or some other communication that identifies the name of the attorney or law firm that is representing the claimant in the litigation.
- ii. Written Consent of the Claimant<sup>1</sup> – The Manville Trust will honor any written consent to release claim records if it is notarized and:
  - 1) the document authorizes the Trust to release claim records; and
  - 2) the document is signed either by the claimant, the claimant’s attorney or the claimant’s personal representative (the person administering the claimant’s estate). If signed by the personal representative, we will also require a copy of the court order or other document establishing that the signatory represents the claimant’s estate.
- iii. Court Order – The Trust will respond as specifically directed by court order.

**3. Where should I send requests for records?**

Please direct all requests for records to Malissa Antonucci in the Trust’s office in Peekskill, New York.

Manville Personal Injury Settlement Trust  
[P.O. Box 270](#)  
[1132 Main Street, Suite 4](#)  
[Peekskill, NY 10566](#)  
[malissaantonucci@mantrust.org](mailto:malissaantonucci@mantrust.org)  
(p) 914-764-4700

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<sup>1</sup> A template authorization to release Manville Trust claim records is available on the Manville Trust website, <http://www.claimsres.com/wp-content/uploads/2016/11/Template-Authorization-to-Obtain-Claim-Records.pdf>

#### **4. What is the turnaround for a request directed at the Manville Trust?**

- a. Informal inquiries – The Trust aims to respond to all informal inquiries within 48 hours. If you have not received a response within that timeframe, feel free to follow up.
- b. Requests for records
  - i. Subpoenas – The Trust promptly notifies claimant’s counsel of record upon receipt of a subpoena. The Trust generally allows the claimant/plaintiff two weeks to move to quash a subpoena directed to the Trust, though exceptions will be considered for time-sensitive requests. If counsel for the claimant/plaintiff communicates an intent to file a motion to quash the subpoena, the Trust will stay production for two weeks from the date of such notice. If the Trust receives notice of a motion filed within that time, the Trust will stay production until the matter is resolved. If the Trust does not receive notice within the two week period, the Trust will produce the records as directed by the subpoena.
  - ii. Authorizations and court orders – The Trust responds to requests by written authorization as soon as possible.

#### **5. What Information does the Trust release?**

In response to a properly submitted request for claim records, the Trust will comply with the terms of the request. Unless otherwise limited by the scope of the request, the production will include the following documents to the extent the Trust has them:

- a. Claimant Information Report containing claimant name, social security number, gender, date of birth and date of death. This report also includes contact information for the claimant’s firm.
- b. Claim Information Report containing the claimant’s name, social security number, date of birth, date of death, claim status, law firm name, the claimant’s litigation history, smoking history and exposure history.
- c. Claim Detail Report containing the claimant’s basic demographic information, alleged injury, claim status, offer status, evaluated injury (as determined by the Trust), payment percentage, total paid, offer acceptance date, reconciliation date, check number and check date.
- d. Supporting documentation – The Trust will produce all records submitted in support of the claim, and all correspondence between claimant or claimant’s counsel and the Trust or the Trust’s claims processing facility. The Trust will produce copies of signed releases to the extent it has them, but note that prior to 2016 releases were

maintained by agreement by a claimant’s counsel, and the releases were generally not submitted to the Trust. The Trust does not provide internal evaluation and operational processing information or ADR proceedings.

**6. How does the Trust respond to requests for unperfected claims?**

Many claims submitted to the Manville Trust are filed electronically through eClaims, a web based claims processing program. A law firm filing an electronic claim through eClaims may file the claim in pieces over the course of multiple login sessions. Once the firm has provided the claimant’s basic identification information, the firm can save the record and return to complete it another day. As a result, some Manville Trust records are incomplete or unperfected claims, not yet submitted for Trust processing.

In response to a properly submitted request for records of an unperfected claim, the Trust will produce such records as are available to the Trust in the ordinary course of business. This includes the claimant’s alleged injury and supporting medical documentation to the extent they have been input. This generally does not include the claimant’s exposure history, which is not made available to the Trust until the claimant has submitted the claim for processing.

**7. How do I decipher the exposure codes contained in the claim records?**

You can find the industry, occupation and SOE codes at [www.claimsres.com](http://www.claimsres.com). See the “Documents” tab and click on the “Manville Trust.” You may also contact Jared Garelick, general counsel of the Manville Trust, at [jgarelick@claimsres.com](mailto:jgarelick@claimsres.com) and (703)205-0836 or Malissa Antonucci at [malissaantonucci@mantrust.org](mailto:malissaantonucci@mantrust.org) and (914)764-4700.

**8. What is the billing schedule for a request for records?**

Effective March 15, 2019 the standard production will cost \$190.00. An invoice will be provided with the production. Payment is due within 30 days of the production. The billing schedule is as follows:

Labor	\$150.00
Materials and Supplies	\$10.00
Unsworn Statement Authenticating Records	\$30.00
Notarized Affidavit Authenticating Records (upon request)	Price will vary by actual cost