

**DURABLA MANUFACTURING COMPANY
AND DURABLA CANADA LTD.
ASBESTOS TRUST**

Dear Prospective Claimant or Claimant Counsel:

The Durabla Manufacturing Company and Durabla Canada Ltd. Asbestos Trust (the “Trust”) has been created pursuant to the Debtors’ Joint Chapter 11 Plan (the “Plan”) to resolve all “Channeled Asbestos Claims” as defined in the Plan.

The Trust is commencing its operations and will begin receiving claims on Tuesday, September 8, 2020. The claim form is enclosed. The claim form, as well as this instruction letter, and other relevant documents and reference materials are available on the Trust’s website (www.durabltrust.org) and may be downloaded at any time.

This instruction letter is intended to summarize certain significant issues related to filing a personal injury claim with the Trust. *Nothing in this letter is intended to replace or modify the requirements of the Trust Distribution Procedures (TDP)*¹. *To the extent this instruction letter conflicts with the TDP, the TDP controls. All claimants are encouraged to read thoroughly and understand the TDP before filing a claim with the Trust.*

¹ Please refer to the Trust’s website (www.durabltrust.org) for the TDP.

Expedited Review (ER) and Individual Review (IR) Claims:

The Trust faces great uncertainty in the prediction of both the number and severity of claims that will be filed and the amount of assets available to pay those claims. Because of this uncertainty, the Trust Distribution Procedures were amended, after consultation with, and with the consent of, the TAC² and FCR³, to provide for an initial three-year and six-month period during which the Trust will receive claims for filing (the “Initial Intake Period”). During the Initial Intake Period, no claims will be processed or paid. At the conclusion of the Initial Intake Period, the Trust will determine the payment percentage and consider any additional actions necessary to fulfill the purposes of the Trust.

Proof Required to Qualify for Payment:

To qualify for payment, a claimant must provide credible medical and exposure evidence pursuant to the TDP and a submission deemed to be complete by the Trust.

Medical and Exposure Criteria for Qualification:

The medical criteria that a claim must meet to receive an offer for the Scheduled Value are as follows:

Level VII: Mesothelioma

1. Diagnosis of mesothelioma; and
2. Debtor Exposure as defined in Section 5.7 (b)(3) of the TDP (hereinafter “Durabla Exposure”).

Level VI: Lung Cancer 1

1. Diagnosis of a primary lung cancer plus evidence of an underlying Bilateral Asbestos-Related Nonmalignant Disease as defined the TDP;
2. Six months of Durabla Exposure prior to December 31, 1982;
3. Significant Occupational Exposure as defined in Section 5.7(b)(2) of the TDP; and
4. Supporting medical documentation establishing asbestos exposure as a contributing factor in causing the lung cancer in question.

Level V: Lung Cancer 2

1. Diagnosis of a primary lung cancer;
2. Durabla Exposure prior to December 31, 1982; and

² Capitalized terms not defined herein shall have the meaning ascribed to them in the Trust Agreement and the Trust Distribution Procedures.

³ Pursuant to Sections 2.2(f)(xii), 5.7, and 6.6 of the Trust Agreement.

3. Supporting medical documentation establishing asbestos exposure as a contributing factor in causing the lung cancer in question.

Lung Cancer 2 (Level V) claims are those that do not meet the more stringent medical and/or exposure requirements of Lung Cancer 1 (Level VI) claims. All claims in this Disease Level shall be individually evaluated. The estimated likely Average Value of the individual evaluation awards for this category is \$1,200, with such awards capped at \$2,500 unless the claim qualifies for Extraordinary Claim (as defined below) treatment.

Level V claims that show no evidence of either an underlying Bilateral Asbestos-Related Nonmalignant Disease or Significant Occupational Exposure may be individually evaluated, although it is not expected that such claims shall be treated as having any significant value, especially if the claimant is also a Smoker.⁴ In any event, no presumption of validity shall be available for any claims in this category.

Level IV: Other Cancer

1. Diagnosis of a primary colorectal, laryngeal, esophageal, pharyngeal, or stomach cancer, plus evidence of an underlying Bilateral Asbestos-Related Nonmalignant Disease;
2. Six months Durabla Exposure prior to December 31, 1982;
3. Significant Occupational Exposure; and
4. Supporting medical documentation establishing asbestos exposure as a contributing factor in causing the other cancer in question.

Level III: Severe Asbestosis

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% and FEV1/FVC ratio greater than 65%;
2. Six months Durabla Exposure prior to December 31, 1982;
3. Significant Occupational Exposure; and
4. Supporting medical documentation establishing asbestos exposure as a contributing factor in causing the pulmonary disease in question.

⁴ There is no distinction between Non-Smokers and Smokers for either Lung Cancer 1 (Level VI) or Lung Cancer 2 (Level V), although a claimant who meets the more stringent requirements of Lung Cancer 1 (Level VI) (evidence of an underlying Bilateral Asbestos-Related Nonmalignant Disease plus Significant Occupational Exposure), and who is also a Non-Smoker, may wish to have his or her claim individually evaluated by the Asbestos Trust. In such a case, absent circumstances that would otherwise reduce the value of the claim, it is anticipated that the liquidated value of the claim might well exceed the \$3,500 Scheduled Value for Lung Cancer 1 (Level VI) shown above. "Non-Smoker" means a claimant who either (a) never smoked or (b) has not smoked during any portion of the twelve (12) years immediately prior to the diagnosis of the lung cancer.

Level II: Asbestosis/Pleural Disease

1. Diagnosis of Bilateral Asbestos-Related Nonmalignant Disease, plus (a) TLC less than 80%, or (b) FVC less than 80% and FEV1/FVC ratio greater than or equal to 65%;
2. Six months Durabla Exposure prior to December 31, 1982;
3. Significant Occupational Exposure; and
4. Supporting medical documentation establishing asbestos exposure as a contributing factor in causing the pulmonary disease in question.

Level I: Asbestosis/Pleural Disease

1. Diagnosis of Bilateral Asbestos-Related Nonmalignant Disease;
2. Six months Durabla Exposure prior to December 31, 1982; and
3. Five years cumulative occupational exposure to asbestos.

Medical Evidence Required to Establish an Asbestos-Related Disease: All diagnoses of a Disease Level shall be accompanied by either:

- i. A statement by the physician providing the diagnosis that at least ten years have elapsed between the date of first exposure to asbestos or asbestos-containing products and the diagnosis; or
- ii. A history of the claimant's exposure sufficient to establish a ten-year latency period.

A finding by a physician dated after the Effective Date that a claimant's disease is "consistent with" or "compatible with" asbestosis shall not alone be treated by the Trust as a diagnosis.

For Disease Levels I-III – Except for asbestos claims filed against Durabla or another defendant in the tort system prior to the Petition Date, all diagnoses of a non-malignant asbestos-related disease 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. All living claimants must also provide (i) for Disease Levels I-II, evidence of Bilateral Asbestos-Related Nonmalignant Disease; (ii) for Disease Level III, an ILO reading of 2/1 or greater or pathological evidence of asbestosis, and (iii) for Disease Levels II and III, pulmonary function testing.

In the case of a claimant who was deceased at the time the claim was filed, the diagnosis of a nonmalignant asbestos-related disease (Levels I-III) shall be based upon either:

- i. A physical examination of the claimant by the physician providing the diagnosis of the asbestos-related disease; or
- ii. Pathological evidence of the asbestos-related disease; or

iii. In the case of Disease Levels I-II, evidence of Bilateral Asbestos-Related Nonmalignant Disease and for Disease Level III, either an ILO reading of 2/1 or greater or pathological evidence of asbestosis; and

iv. In the case of Disease Levels II or III, pulmonary function testing.

For Disease Levels IV-VII – All diagnoses of asbestos-related malignancy shall be based upon either (a) a physical examination of the claimant by the physician providing the diagnosis of the asbestos-related disease, (b) a diagnosis of such disease by a board-certified pathologist or (c) a pathology report prepared at or on behalf of a hospital accredited by the Joint Commission on Accreditation of Healthcare Organizations.

For a detailed description of the medical evidence requirements by Disease Level see TDP Section 5.7 (a). You should review this section of the TDP before filing a claim.

Doctors and Medical Facilities:

Section 5.7(a)(2) of the TDP requires that before making any payment to a claimant, the Trust must have reasonable confidence that the medical evidence provided in support of the claim is credible and consistent with recognized medical standards. The Trust has determined, based on currently available information, that medical reports from certain doctors and medical facilities or screening facilities will not be accepted. *Accordingly, until further notice, the Trust will not accept medical reports from, and will not process claims relying upon medical information from, any of the doctors and medical facilities listed on Exhibit A to these Instructions.*

Litigation/Claims History:

In Part 3 of the Proof of Claim Form, for all claims, Question 1 and 1(a) must be answered. If Question 1 is answered “yes”, but 1(a) is answered “no” for Durabla, then you must answer Question 3 of Part 3 indicating which jurisdiction the claimant elects as the Claimant’s Jurisdiction pursuant to TDP Section 5.3(b)(2). When answering Question 3, you must select jurisdiction based on one of the following:

1. Jurisdiction where the injured party was exposed to Durabla asbestos-containing products;
2. Jurisdiction where the claimant resides when the claim is filed with the Trust; or
3. Jurisdiction where the injured party resides at the time of diagnosis.

Exposure Criteria for Durabla Qualification:

Site/Plant Where Exposure Occurred

Part 4 of the claim form asks about the sites where the claimant was exposed to asbestos. In response to these questions, a claimant must list the sites where he/she was exposed to asbestos-containing products necessary to prove both (1) Durabla Exposure, and, if applicable, (2) SOE (as defined below) or five years cumulative occupational exposure (Disease Level I).

To demonstrate that Durabla asbestos-containing products were at a work site, the claimant can establish, through affidavit, invoices, deposition testimony, or other means as described below in the section “Documentation to Support Exposure” that Durabla asbestos-containing products were used at a particular work site. A certification of counsel alone is not sufficient to establish product at a particular site.

Exposure to Durabla Asbestos-Containing Products - ***To qualify for any Disease Level, a claimant must demonstrate:*** meaningful and credible exposure, which occurred prior to December 31, 1982, to asbestos-containing products manufactured, produced, or distributed by Durabla or to conduct for which Durabla has legal responsibility.

Significant Occupational Exposure (“SOE”)

Part 4 of the Proof of Claim Form should be used to demonstrate evidence of SOE. Pursuant to TDP Section 5.7(b)(2), SOE means employment for a cumulative period of at least five years with a minimum of two years prior to December 31, 1982, in an industry and an occupation in which the claimant (a) handled raw asbestos fibers on a regular basis; (b) fabricated asbestos-containing products so that the claimant in the fabrication process was exposed on a regular basis to raw asbestos fibers; (c) altered, repaired or otherwise worked with an asbestos-containing product such that the claimant was exposed on a regular basis to asbestos fibers; or (d) was employed in an industry and occupation such that the claimant worked on a regular basis in close proximity to workers engaged in the activities described in (a), (b) and/or (c).

It is only necessary for a claimant to demonstrate SOE to qualify for Disease Levels II, III, IV and VI.

Documentation to Support Exposure

Where a claimant must demonstrate that Durabla asbestos products were at a site/plant, or where a claimant seeks to demonstrate SOE, five years cumulative occupational exposure to asbestos (Disease Level I) or Durabla Exposure other than by certification of counsel, such evidence may be established by:

- An affidavit or sworn statement of the injured party (based on personal knowledge)
- An affidavit or sworn statement of a co-worker (based on personal knowledge)
- An affidavit or sworn statement of a family member (based on personal knowledge)
- Invoices
- Employment, construction or similar records
- Other credible evidence (this may include documents uploaded to the claim form to further explain exposure information as indicated on the claim form)

Extraordinary Claim

“Extraordinary Claim” means a Channeled Asbestos Claim that otherwise satisfies the Medical Criteria for Disease Levels I–VII, and that is held by a claimant whose exposure to asbestos (i)

occurred predominantly as a result of working in a manufacturing facility of a Durabla Debtor during a period in which such Debtor was manufacturing asbestos-containing products at that facility, or (ii) was at least 75% the result of exposure to an asbestos-containing product or to conduct for which Durabla has legal responsibility, and in either case there is little likelihood of a substantial recovery elsewhere. All such Extraordinary Claims shall be presented for Individual Review.

If the claimant is filing an Extraordinary Claim, a clear and concise declaration as to how the claimant satisfies section 5.4(a) of the TDP must be provided.

Foreign Claim

A Foreign Claim is a Channeled Asbestos Claim with respect to which the claimant's exposure to an asbestos-containing product or conduct for which a Debtor has legal responsibility occurred outside of the United States and its Territories and Possessions, and outside of the Provinces and Territories of Canada. The claimant must provide the name of the Country and County, Province and/or City where the exposure occurred. A description of how the alleged exposure occurred must also be provided.

The Trust may require additional information regarding the Foreign Claim and will take into account all relevant procedural and substantive legal rules to which the claim would be subject in the Claimant's Jurisdiction.

Where to Submit Claim Forms:

Claims Resolution Management Corporation
3120 Fairview Park Drive, Suite 200
Falls Church, VA 22042
(703) 204-9300
(800) 536-2722

Exhibit A

The Trust will not accept medical reports from, and will not process claims relying upon medical information from, any of the following doctors and medical facilities:

Dr. Gregory Nayden,
Dr. James Ballard
Dr. Kevin Cooper (of Pascagoula, Mississippi)
Dr. Todd Coulter
Dr. Andrew Harron
Dr. Ray Harron
Dr. Glynn Hilbun
Dr. Barry Levy
Dr. George Martindale
Dr. W. Allen Oaks
Netherland & Mason, Inc.
Respiratory Testing Services, Inc.
Occupational Diagnostics