

**Instructions For Filing A Claim With
Hercules Chemical Company, Inc.
Asbestos Settlement Trust**

The **CLAIM FORM & DECLARATION - HERCULES CHEMICAL COMPANY, INC. ASBESTOS SETTLEMENT TRUST** (the "Claim Form"), is required of all Injured Parties filing a claim under the documentation requirements of the *HERCULES CHEMICAL COMPANY, INC. ASBESTOS TRUST AGREEMENT, as amended (the "TDP")*.

These instructions are intended to summarize certain significant issues related to filing a personal injury claim with the Asbestos Trust. Nothing in these instructions is intended to replace or modify the requirements of the Hercules Chemical Company, Inc. Asbestos Trust Distribution Procedures ("TDP"). All claimants are encouraged to thoroughly read and understand the TDP (enclosed) before filing a claim with the Asbestos Trust.

How to Qualify for a Settlement Offer:

To submit a valid personal injury claim, an Injured Party must provide:

- A completed Claim Form; and
- A medical diagnosis of a compensable disease; and
- Evidence of exposure to a Hercules product with the dates of commencement and termination of such exposure.

An Injured Party must submit a fully completed Claim Form and provide all supporting documentation referenced in the form.

Claim Form—Part 1: INJURED PARTY INFORMATION

1.1: Provide the full name, social security number and date of birth of the Injured Party for whom the claim is being filed.

1.2: Check the appropriate box indicating whether the Injured Party is living. If the Injured Party is deceased, provide the Date of Death and full name of the Official Representative. Additionally, provide one of the following;

- Certificate of Official Capacity
- Other applicable document authorizing a person to act of behalf of the Injured Party
- Attorney may sign the Claimant Representative Certification

1.3: Provide the Injured Party's Law Firm Contact Information, including Firm Name, Attorney Name and Phone Number, Paralegal/Administrative Assistant Name and Phone Number, Address and Email.

1.4: If you believe your claim qualifies as an Exigent Hardship Claim, as defined below, check the box indicating this and provide an explanation and/or supporting documentation.

Exigent Hardship Claims (5.4 of TDP)- A Trust Claim qualifies for payment as an Exigent Hardship Claim if the claim meets the Medical/Exposure Criteria for Severe Asbestosis (Disease Level II) or an asbestos related malignancy (Disease Levels III-V), and the Asbestos Trust, in its sole discretion, determines (i) that the claimant needs financial assistance on an immediate basis based on the claimant's expenses and all sources of available income, and (ii) that there is a causal connection between the claimant's dire financial condition and the claimant's asbestos-related disease.

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Claim Form—Part 2: DIAGNOSED DISEASE

Check *only* the box identifying the highest Disease Level claimed by the Injured Party and provide the date of diagnosis beside the disease claimed. Documentation, as set forth below, must be submitted that supports the claimed disease.

Pursuant to the TDP, all claims filed with the Trust shall be deemed to be a claim for the highest Disease Level for which the claim qualifies at the time of filing, with all lower Disease Levels for which the claim then qualifies or may qualify in the future subsumed into the higher Disease Level for both processing and payment purposes. Notwithstanding the foregoing, the holder of a claim involving a non-malignant asbestos-related disease (Disease Levels I – II) may file a new claim for a malignant disease (Disease Levels III – V) that is subsequently diagnosed. Any additional payments to which such a claimant may be entitled with respect to such malignant asbestos-related disease shall not be reduced by the amount paid for the non-malignant asbestos-related disease, provided the malignant disease had not been diagnosed by the time the claimant was paid with respect to the original claim involving the non-malignant disease.

Medical Evidence

All diagnoses of a Disease Level shall be accompanied by **either** (i) a statement by the physician providing the diagnosis that at least ten (10) years have elapsed between the date of first exposure to asbestos or asbestos-containing products and the diagnosis, **or** (ii) a history of the Injured Party's exposure sufficient to establish a 10-year latency period. A finding by the diagnosing physician that a claimant's disease is "consistent with" or "compatible with" asbestosis will not alone be treated by the Trust as a diagnosis. The Trust shall determine whether a claim satisfies the medical criteria for the relevant Disease Level based on the following:

Unacceptable Doctors and Medical Facilities

Section 5.7(a)(2) of the TDP requires that before making any payment 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 [or medical evidence] from certain doctors and medical facilities may not meet the reliability standards of this section. Accordingly, until further notice, the Trust will not accept medical reports [and/or medical evidence] from the following doctors and medical facilities: 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. Gregory Nayden, Dr. W. Allen Oaks, Netherland & Mason, Inc., Respiratory Testing Services, Inc. and Occupational Diagnostics.

Level I: Nonmalignant Disease:

The injured party must document the diagnosis of Nonmalignant Disease (Level I) in accordance with Section 5.3(a)(3) of the TDP which states that the following requirements shall apply to all Asbestos Claims filed with the Trust:

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Nonmalignant Disease (Level I): (1) Diagnosis¹ of Bilateral Asbestos-Related Nonmalignant Disease (2) six months Hercules Exposure prior to December 31, 1986, (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 II Severe Asbestosis: The Injured Party must document the diagnosis of Severe Asbestosis in accordance with Section 5.3(a)(3) of the TDP which states that the following requirements shall apply to all Asbestos Claims filed with the Trust:

Severe Asbestosis (Level II): (1) Diagnosis of asbestosis with ILO of 2/1 or greater or asbestosis determined by pathological evidence of asbestos, plus (a) TLC less than or equal to 65%, or (b) FVC (actual not predicted value) less than or equal to 65% and FEV1/FVC ratio greater than 65%, (2) six months Hercules Exposure prior to December 31, 1986, (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.

Disease Levels III – V: Malignant Diseases

Diagnoses of an asbestos-related malignancy (Disease Levels III – V) shall be based on either (i) a physical examination of the Injured Party by the physician providing the diagnosis of the malignant asbestos-related disease, or (ii) a diagnosis of such a malignant asbestos-related disease by a board-certified pathologist.

The Injured Party must document the diagnosis of **Colorectal, Esophageal, Laryngeal, Pharyngeal, Stomach or Lung Cancer, or Mesothelioma**, in accordance with Section 5.3 (a)(3) of the TDP which states that the following requirements shall apply:

Other Cancer (Level III):

(1) Diagnosis of a primary colorectal, laryngeal, esophageal, pharyngeal, or stomach cancer, plus evidence of an underlying Bilateral Asbestos-Related Nonmalignant Disease,² (2) six months Hercules Exposure prior to December 31, 1986, (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.

¹ The requirements for a diagnosis of an asbestos-related disease that may be compensated under the provisions of this TDP are set forth in Section 5.7 of the TDP.

² Evidence of "Bilateral Asbestos-Related Nonmalignant Disease," for purposes of meeting the criteria for establishing Disease Levels I and III means either (i) a chest X-ray read by a qualified B reader of 1/0 or higher on the ILO scale or (ii)(x) a chest X-ray read by a qualified B reader or other Qualified Physician, (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. Evidence submitted to demonstrate (i) or (ii) above must be in the form of a written report stating the results (e.g., in ILO report, written radiology report or a pathology report). Solely for asbestos claims filed against Hercules or another 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 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 and III. Pathological proof of asbestosis may be based on the pathological grading system for asbestosis described in the Special Issue of the Archives of Pathology and Laboratory Medicine, "Asbestos-associated Diseases," Vol. 106, No. 11, App. 3 (October 8, 1982). For all purposes of this TDP, a "Qualified Physician" is a physician (not determined to be unacceptable by the Trust) who is board-certified in one or more relevant specialized fields of medicine such as pulmonology, radiology, internal medicine or occupational medicine; provided, however, subject to the provisions of Section 5.8, that the requirement for board certification in this provision shall not apply to otherwise qualified physicians whose X-ray and/or CT scan readings are submitted for deceased holders of Trust Claims.

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Lung Cancer (Level IV): (1) Diagnosis of a primary lung cancer, (2) six months Hercules Exposure prior to December 31, 1986, (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.

Mesothelioma (Level V): (1) Diagnosis of mesothelioma; and (2) Hercules Exposure as defined in Section 5.7(b)(1) of the TDP.

Claim Form—Part 3: STATUTE OF LIMITATIONS

Complete this section **only** if an asbestos-related personal injury lawsuit has been filed against Hercules Chemical Company, Inc. on behalf of the Injured Party.

3.1: Provide the Injured Party's current state of residence or, if deceased, the state of residence at the time of the decedent's death.

3.2: Provide the City, County, and State where the lawsuit was filed.

3.3: Provide the date on which the lawsuit was originally filed.

3.4: Provide the Docket or Case Number of the lawsuit.

3.5: Check the box indicating whether a tolling agreement applies. Provide a copy of the tolling agreement, if applicable.

Claim Form—Part 4: HERCULES SPECIFIC OCCUPATIONAL EXPOSURE

Part 4 must be completed if the Injured Party is claiming that his/her asbestos-related disease is a direct result of his/her occupational asbestos exposure.

Exposure Evidence

Section 5.7(b) of the TDP **Exposure Evidence** states:

As set forth above in Section 5.3(b)(1), to qualify for any Disease Level, the claimant must demonstrate exposure to an asbestos-containing product for which Hercules has legal responsibility. The term "Hercules Exposure" means a meaningful and credible exposure to asbestos containing products manufactured, sold, supplied, distributed, or marketed by Hercules; however, the Asbestos Trust shall be free to contest whether a particular asbestos product was in fact manufactured, sold, distributed, or marketed by Hercules. Claims based on conspiracy theories that involve no exposure to Hercules Asbestos containing products manufactured, sold, distributed, or marketed by Hercules are not recoverable hereunder.

To meet the presumptive exposure requirements of Expedited Review set forth in Section 5.3(a)(3) above, the claimant must show (i) for Mesothelioma, occupational exposure to Hercules Asbestos before 1986; (ii) for Asbestos-Related Non-Malignant (Disease Level I), Disabling Severe Asbestosis (Disease Level II), Other Cancer (Disease Level III) or Lung Cancer (Disease Level IV), the claimant must show six

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(6) months occupational exposure to Hercules Asbestos before 1986, plus Significant Occupational Exposure to asbestos as defined below.

4.1: Hercules Asbestos Exposure

There is **NO** approved Jobsite List for Hercules Chemical Company, Inc.

If the Injured Party has at least six (6) months of Hercules Exposure, complete the following:

- Provide the name of the Injured Party's Employer, along with the City and State of the Employer.
- **Attach work history to establish meaningful and credible Hercules Exposure, including six (6) months occupational exposure to Hercules Asbestos before 1986, plus Significant Occupational Exposure to asbestos, as applicable.**
- Provide the Injured Party's Profession in which he or she was employed while exposed to the asbestos-containing product sold, fabricated, installed, maintained, repaired, removed and/or handled by Hercules Chemical Company.
 - **Approved Profession Claims 5.7 (b)(3)-** meaningful and credible exposure evidence may be established (a) by an affidavit or sworn statement of the claimant, (b) by an affidavit or sworn statement of a co-worker or the affidavit or sworn statement of a family member in the case of a deceased claimant (providing the Asbestos Trust finds such evidence reasonably reliable), (c) by invoices, employment, construction or similar records, or (d) by other credible evidence. Trust will only pay individuals who were engaged in occupations listed under, **Appendix I, List of Accepted Professions**.
 - **Non Approved Profession Claims 5.7 (b)(3)-** If a claimant engaged in any other profession asserts exposure to a Hercules asbestos product, that claimant must state first hand that they had exposure to such product, an affidavit from a co-worker will not suffice; provided, however, in the case of a deceased claimant a co-worker affidavit may suffice. The Trustee shall have the discretion to establish an individual review process, in consultation with the TAC and Legal Representative, for claims that fail to meet the criteria set forth herein. Such individual review shall be limited to the issue of exposure.

4.2: Significant Occupational Exposure

Check the box(es) for all applicable statements demonstrating the nature of the Claimant's Significant Occupational Exposure. SOE is defined as at least five (5) years with a minimum of two (2) years prior to 1986 such that 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 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).

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Claim Form – Part 5: SECONDARY EXPOSURE: EXPOSURE THROUGH AN OCCUPATIONALLY EXPOSED PERSON (OEP)

Secondary Exposure Claims. If a claimant alleges an asbestos-related disease resulting solely from exposure to an occupationally exposed person, such as a family member, the claimant must establish that the occupationally exposed person would have met the exposure requirements under this TDP that would have been applicable had that person filed a direct claim against the Asbestos Trust. In addition, the claimant with secondary exposure must establish that he or she is suffering from one (1) of the five (5) Disease Levels described in Section 5.3(a)(3) above or an asbestos-related disease otherwise compensable under this TDP, that his or her own exposure to the occupationally exposed person occurred within the same time frame as the occupationally exposed person was exposed to asbestos products manufactured or produced by Hercules or to conduct for which Hercules has legal responsibility, and that such secondary exposure was a cause of the claimed disease. All other liquidation, payment rights and limitations under this TDP shall be applicable to such claims.

In Part 5, complete the following:

5.1 Injured Party's Exposure Through OEP:

- Provide the total number of years that the Injured Party was regularly exposed to asbestos through the OEP identified in 5.2.
- Describe the Injured Party's asbestos exposure through the OEP that is alleged to be the cause of the Injured Party's asbestos-related disease.

5.2 OEP's Hercules Asbestos Exposure: *[For each additional exposure period, copy and attach the additional completed information in 5.2 and 5.3.]*

If the OEP has at least six (6) months of Hercules Exposure, complete the following:

- Provide the full name of the OEP.
- Provide the Employer name, City and State for the OEP.
- **Attach work history for the occupationally exposed person to establish meaningful and credible Hercules Exposure, including, six (6) months occupational exposure to Hercules Asbestos before 1986, plus Significant Occupational Exposure to asbestos, as applicable.**
- Provide the profession in which the OEP was employed while exposed to the asbestos-containing product(s) sold, fabricated, installed, maintained, repaired, removed and/or handled by Hercules Chemical Company.

5.3 OEP's Significant Occupational Exposure

Check the box(es) for all applicable statements demonstrating the OEP's Five (5) Year Cumulative Occupational Exposure.

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Claim Form – Part 6: PROOF OF EXPOSURE

The Injured Party or the Injured Party's Representative may demonstrate Proof of Exposure by completing Part 7: DECLARATION. **This allows the Claim Form to serve as a declaration.**

OR

The Injured Party or the Injured Party's Representative may submit one or more of the following documents as Proof of Exposure: (i) separate Injured Party or Official Representative affidavit, (ii) co-worker affidavit, (iii) invoices, employment, construction or similar records, (iv) verified work history, (v) answers to interrogatories with verification page (specifying the pertinent page number(s)), or (vi) deposition transcript with cover page(s) (specifying the pertinent page number(s)). The documents must be submitted as an attachment to the Claim Form and Part 7 of the Claim Form must be completed.

Claim Form—Part 7: CERTIFICATION

Sign the Claim Form and check the appropriate box identifying the person who is certifying the Claim Form

Filing Deadlines:

All unliquidated Trust Claims must meet either:

- (i) for claims first filed in the tort system against Hercules prior to the Petition Date, the applicable federal, state and foreign statute of limitation 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 Hercules in the tort system prior to the Petition Date, the applicable federal, state or foreign statute of limitation that was in effect at the time of the filing with the Asbestos Trust. However, the running of the relevant statute of limitation shall be tolled as of the earliest of:

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- (A) the actual filing of the claim against Hercules prior to the Petition Date, whether in the tort system or by submission of the claim to Hercules pursuant to an administrative settlement agreement;
- (B) the tolling of the claim against Hercules prior to the Petition Date by an agreement or otherwise, provided such tolling is still in effect on the Petition Date; or
- (C) the Petition Date.

If a Trust Claim meets any of the tolling provisions described in the preceding sentence and the claim was not barred by the applicable federal, state or foreign statute of limitation at the time of the tolling event, it shall be treated as timely filed if it is actually filed with the Asbestos Trust within three (3) years after the date six (6) months after the date that the Asbestos Trust first makes available the proof of claim forms and other claims materials required to file a claim with the Asbestos Trust (the "Initial Claims Filing Date").

In addition, any claims that were first diagnosed after the Petition Date, irrespective of the application of any relevant federal, state or foreign statute of limitation or repose, may be filed with the Asbestos Trust within three (3) years after the date of diagnosis or within three (3) years after the Initial Claims Filing Date, whichever occurs later. However, the processing of any Trust Claim by the Asbestos Trust may be deferred at the election of the claimant pursuant to Section 6.3 of the TDP.

Settlement Offers Based on Scheduled Values:

If the Injured Party submits a valid Asbestos Claim, the Trust will offer to liquidate the value of each Asbestos Claim based on the Scheduled Values established by the TDP for each Disease Level. These Scheduled Values represent equitable settlement values for most asbestos claims that meet the criteria of a corresponding Disease Level. The Injured Party will ultimately receive a percentage of the Scheduled Value based on the applicable Payment Sum Percentage (as that term is defined in the TDP).

<u>Level</u>	<u>Disease</u>	<u>Scheduled Value</u>
I.	Nonmalignant Disease	\$1,100.00
II.	Severe Asbestosis	\$6,500.00
III.	Other Cancer	\$3,900.00
VI.	Lung Cancer	\$14,000.00
VII.	Mesothelioma	\$70,000.00

Payments

All payments made by the Trust on account of Asbestos Claims shall be subject to the applicable Payment Sum Percentage.

Releases:

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A Release will be generated and sent when an offer is made. The Trust requires return of the individual (hard copy) Release.

Where to Submit Claim Forms:

Claim submissions for Hercules Chemical Company, Inc. Asbestos Settlement Trust should be sent to:

Website- mfrclaims.com - INDIVIDUAL CLAIMS or BULK UPLOAD

-Electronic Filing Option, User ID and Password required

or

hercules@mfrclaims.com – INDIVIDUAL CLAIMS

or

115 Pheasant Run
Suite 112
Newtown, Pa 18940

Requesting Information:

You may contact MFR Claims Processing, Inc.

115 Pheasant Run
Suite 112
Newtown, PA 18940

Ph: 215/702-8033

Email: herculesinquiries@mfrclaims.com