

**Rapid-American
Asbestos Personal Injury Liquidating Trust**

November 10, 2022

Claimant or Claimant Counsel,

The Rapid-American Asbestos Personal Injury Liquidating Trust (“the Trust”) has been established under Chapter 11 of the Bankruptcy Code to resolve all “Asbestos PI Claims” as defined in the Plan of Liquidation of Rapid-American Corporation, dated as of June 4, 2021 (the “Plan”), and to use the Trust Assets and income to pay the holders of all Asbestos PI Claims in accordance with the Trust Agreement and the Trust Distribution Procedures (the “TDP”) in such a way that such holders of Asbestos PI Claims are treated fairly, equitably and reasonably in light of the limited assets available to satisfy such claims.

The Trust has limited assets and will only be accepting claims for a one-year period of time. Claims must be filed by November 28, 2023 (the “Trust Filing Deadline”) and any claim review deficiency must be cured by May 28, 2024. All Claimants are required to demonstrate meaningful and credible exposure prior to June 1, 1967 to an asbestos-containing product manufactured, sold, supplied, produced, distributed, released, advertised or marketed by The Philip Carey Manufacturing Company (“Philip Carey”).

The materials necessary to file a claim with the Trust, including Claim Forms, the TDP and associated materials, are available on the Trust’s website (www.rapidamericanasbestostrust.com), 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 TDP. All claimants are encouraged to read thoroughly and understand the TDP (enclosed)¹ before filing a claim with the Trust.*

The Trust will be commencing its operations and begin receiving and processing claims on November 28, 2022 at 10:00 A.M. Eastern Standard Time.

¹ Please refer to the Trust’s website (www.rapidamericanasbestostrust.com) for the TDP.
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Settlement Offers:

The liquidated value of approved claims will be determined based on the following Scheduled Values:

Disease Level	Scheduled Disease	Scheduled Value
IV	Mesothelioma	\$3,000
III	Lung Cancer	\$1,500
II	Other Cancer	\$800
I	Other Asbestos Disease	\$400

After the liquidated value of a claim is determined and a release is executed and delivered to the Trust, the claimant shall ultimately receive a pro-rata share of that value based on the Trust Assets available for payment of the claim.

Proof Required to Qualify for Payment:

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

Exposure Criteria for Qualification:

Exposure Requirements. To qualify for any Disease Level, a claimant must demonstrate: (1) meaningful and credible exposure prior to June 1, 1967 to an asbestos-containing product manufactured, sold, supplied, produced, distributed, released, advertised or marketed by Philip Carey for which Rapid-American has legal responsibility (“Rapid-American Liability”); and (2) for certain disease levels, a claimant must demonstrate Significant Occupational Exposure (“SOE”) to asbestos products as detailed below.

Exposure requirements are further detailed in Section 4.4(b) of the TDP. All claimants are encouraged to read thoroughly and understand this section of the TDP before filing a claim.

Previously Settled Celotex Trust Claims:

A previously paid Celotex Trust Claim may be used to establish that the claimant meets the Rapid-American medical and/or exposure criteria, if the claimant’s Celotex Trust claim form contains sufficient information for the Trust to determine the claim qualifies for payment under the TDP.

If the claimant has a paid Celotex Trust claim that does not include sufficient information regarding exposure prior to June 1, 1967 to Philip Carey asbestos-containing products, Part 3 of the Claim Form must be completed to establish the Injured Party’s Rapid-American Liability.

Site/Plant Where Exposure Occurred

Questions 1 through 4 in Part 3 of the Claim Form ask about the sites where the claimant was exposed to asbestos products. In response to these questions, a claimant must list the sites where he/she was exposed to asbestos products to prove both (1) exposure prior to June 1, 1967 to Philip Carey asbestos-containing products for which Rapid-American has legal responsibility, and (2) SOE, if applicable.

There is one way to establish relevant Philip Carey asbestos-containing products were at a work site:

1. The claimant can establish, through affidavit, invoices, deposition testimony, or other means as described below in the section “Sufficiency of Evidence” that Philip Carey asbestos-containing products were used at a particular work site. A certification of counsel alone is not sufficient to establish Philip Carey asbestos-containing products were present at a particular site.

Significant Occupational Exposure

As noted above, questions 1 through 4 in Part 3 of the Claim Form seek information regarding SOE, as well as exposure to Philip Carey asbestos-containing products. Additionally, questions 5 and 6 also relate to SOE. Pursuant to TDP Section 4.4(b)(2), SOE means employment for a cumulative period of at least five years in industries and occupations 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 industries and occupations 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).

If a claimant worked in an occupation/industry listed on the Presumptive SOE Occupations Rating list, found on the website at www.rapidamericanasbestostrust.com, for at least five years, and if any box other than “None of the above” is checked in POC Part 3 question 5, no further evidence of SOE is required. If the claimant’s occupation/industry is not set forth on the Presumptive SOE Occupations Rating list, or if the box labeled “None of the above” is checked in POC question 5, then evidence of the claimant's SOE must be submitted. Evidence of SOE can be demonstrated by certification of counsel or as set forth below under “Sufficiency of Evidence.”

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

Sufficiency of Evidence

Where a claimant must demonstrate that asbestos-containing products were at a site/plant, or where a claimant seeks to demonstrate Rapid-American Liability or SOE other than by certification of counsel, such evidence may be established by:

- An affidavit or sworn statement of the claimant
- An affidavit or sworn statement of a co-worker
- Invoices
- Employment, construction or similar records
- Other reliable evidence

Medical and Exposure Criteria for Qualification:

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

Level IV: Mesothelioma

1. Diagnosis of mesothelioma; and
2. One day of exposure to a Philip Carey asbestos-containing product prior to June 1, 1967.

Level III: Lung Cancer

1. Diagnosis of a primary lung cancer plus evidence of an underlying Bilateral Asbestos-Related Nonmalignant Disease as defined in Footnote 3 of the TDP;
2. Six months of exposure to a Philip Carey asbestos-containing product prior to June 1, 1967;
3. Significant Occupational Exposure to asbestos as defined in Footnote 4 of the TDP; and
4. Supporting medical documentation establishing asbestos exposure as a contributing factor in causing the lung cancer in question.

Level II: Other Cancer

1. Diagnosis of a primary colo-rectal, laryngeal, esophageal, pharyngeal, or stomach cancer, plus evidence of an underlying Bilateral Asbestos-Related Nonmalignant Disease;
2. Six months of exposure to a Philip Carey asbestos-containing product prior to June 1, 1967;
3. Five years of 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 I: Other Asbestos Disease

1. Diagnosis of a Bilateral Asbestos-Related Nonmalignant Disease;
2. Six months exposure to a Philip Carey asbestos-containing product prior to June 1, 1967; 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 after the Effective Date (September 16, 2021) 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 Level I – All diagnoses of Other Asbestos Disease (Disease Level I) shall be based in the case of a claimant who was living at the time the Trust 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 evidence of Bilateral Asbestos-Related Nonmalignant Disease (as defined in Footnote 3 of the TDP).

In the case of a claimant who was deceased at the time the Trust Claim was filed, all diagnoses of Other Asbestos Disease (Disease Level I) 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 non-malignant asbestos-related disease; or
- iii. evidence of Bilateral Asbestos-Related Nonmalignant Disease (as defined in Footnote 3 of the TDP).

For Disease Levels II-IV – All diagnoses of an asbestos-related malignancy (Disease Levels II-IV) shall be based upon either (1) a physical examination of the claimant by the physician providing the diagnosis of the asbestos-related disease or (2) a diagnosis of such a malignant Disease Level by a board-certified pathologist or by 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 4.4(a). You should review this section of the TDP before filing a claim.

Doctors and Medical Facilities:

Section 4.4(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 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 from and will not process claims relying upon medical information 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. W. Allen Oaks, Netherland & Mason, Inc., Respiratory Testing Services, Inc. and Occupational Diagnostics.

How to Initiate a Claim:

If a claimant is qualified and elects to file a claim, he or she must file a complete Claim Form and submit all supporting documentation indicated.

The Claim Form is available at the Trust website and may be copied to provide forms for all claimants represented by a law firm. A claimant must submit the appropriate, fully completed Claim Form, including all supporting information referenced in the form. To expedite processing, claims can be filed electronically using the Trust Online system. To do so, download and complete the E-Filer Agreement (EFA) from the Trust website (www.rapidamericanasbestostrust.com). Once that agreement is executed, a Trust Online user ID and password will be provided to login to the system. Trust Online supports the ability to enter new claims, edit existing claims, cure deficiencies on existing claims, upload and view supporting documents and run a variety of reports on filed claims. These features are designed to simplify and expedite the claim filing process while saving time and money for all parties. Claimants and counsel are encouraged to use these online filing features.

Where to Submit Claim Forms:

Electronic claim submissions, including document images, can be filed directly through the Trust Online system. There is no need to submit paper claims for Trust Online submissions. However, if paper claims and documents need to be sent to the Trust, they should be addressed to:

Rapid-American Asbestos Personal Injury Liquidating Trust
P.O. Box 1190
Wilmington, DE 19899-1190

Statutes of Limitation on Filing a Claim:

To be eligible for processing, a claim must meet either:

- i. For claims first filed in the tort system against Rapid-American prior to March 8, 2013 (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 Rapid-American in the tort system prior to March 8, 2013 (the “Petition Date”), the applicable federal, state or foreign statute of limitation that was in effect at the time of the filing with the Trust. However, the running of the relevant statute of limitation may be tolled by a number of factors (see TDP Section 4.1).

In no event, will the statute of limitations be extended beyond the Trust Filing Deadline. All claims must be filed by November 28, 2023 and any deficiencies must be cured by May 28, 2024.

Questions and Assistance:

For assistance with specific Claim Form questions, the status of your claims, or how to resolve a claim deficiency, please contact the Claimant Relations department at (800)709-8925 or by email at claimantrelations@delcpf.com. In addition to these resources, the Claimant Relations department offers in-person training sessions at either our Wilmington claims processing facility or at your firm. If you or your staff is interested in participating in a training session, please contact Claimant Relations at claimantrelations@delcpf.com or at (800)709-8925. A detailed user manual is also available on the Trust's website at www.rapidamericanasbestostrust.com.

Sincerely,

Rapid-American Asbestos Personal Injury Liquidating Trust Trustee