

Maremont Asbestos Personal Injury Trust

Instructions for Filing Asbestos Personal Injury Claims

The Maremont Asbestos Personal Injury Trust (the “Trust”) was established pursuant to the Modified Joint Prepackaged Plan of Reorganization of Maremont Corporation and Its Debtor Affiliates Pursuant to Chapter 11 of the Bankruptcy Code (the “Plan”) confirmed in Case No. 19-10118 by the United States Bankruptcy Court for the District of Delaware by order entered on May 17, 2019, and thereafter affirmed by order of the United States District Court for the District of Delaware entered on June 27, 2019. The Trust was established to process, liquidate and pay valid Asbestos Personal Injury Claims in accordance with the Maremont Asbestos Personal Injury Trust Distribution Procedures (the “TDP”) – a copy of which is attached. Unless otherwise defined herein, capitalized terms shall have the meaning ascribed to them in the TDP.

This document has been designed to assist with the completion and submission of the Trust’s Claim form for Asbestos Personal Injury Claims (the “Claim Form”). These instructions apply to holders of Asbestos Personal Injury Claims seeking to liquidate their claim under Section 5.3 of the TDP and holders of Pre-Petition Liquidated Claims as defined below.

These instructions provide an overview of how to file a claim with the Trust and are intended to assist claimants (i.e. the injured party or his or her personal representative) in filing a complete and valid claim. Nothing in these instructions replaces or modifies the requirements of the TDP, and in the event of a conflict between these instructions and the TDP, the provisions of the TDP shall govern. All claimants should thoroughly read and understand the TDP before filing a claim with the Trust.

Notice of Filing Fee:

A filing fee of \$100 must be submitted with this claim. The claim will not be deemed to be filed with the Trust unless the filing fee is remitted within 60 days of submitting the claim form to the Trust. The filing fee should be submitted electronically or via a check made payable to the Maremont Asbestos Personal Injury Trust.

Verus, LLC (“Verus”), the Trust’s claims processing facility, has the capability to accept the Claim Form in electronic format. If you wish to file claims electronically, please contact Verus at 888-681-1129 or trustsupport@verusllc.com for further information and instructions. If you are a first-time filer, you must contact Verus to register your law firm prior to submitting a claim.

¹ The Debtors in the chapter 11 cases were Maremont Corporation; Maremont Exhaust Products, Inc.; AVM, Inc.; and Former Ride Control Operating Company, Inc. (f/k/a ArvinMeritor, Inc., a Delaware corporation).

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If submitting a paper-based Claim Form, please send it to the following address:

**Verus, LLC
3967 Princeton Pike
Princeton, NJ 08540
(888) 681-1129**

CLAIM REVIEW ELECTIONS

Claim Category: Review the definitions of both claim types before checking the appropriate box as to whether the claim is asserted to be an “Occupationally Exposed Claim” or an “Shade Tree Mechanic Claim.” Section 2.1 of the TDP defines these claims types as follows:

Occupationally Exposed Claim- In order for a claimant to qualify as an “Occupationally Exposed Claim” under this TDP, the claimant must have worked professionally as an auto mechanic in the automotive industry.

Shade Tree Mechanic Claim- Claims held by individual automobile enthusiasts who worked on maintenance and upgrades to automobiles at home.

Expedited Review (“ER ’9

The ER Process is designed primarily to provide an expeditious, efficient and inexpensive method for liquidating all claims eligible for payment under the TDP. Claims that undergo the ER Process and meet the presumptive Medical/Exposure Criteria for the relevant Disease Level will be approved for payment based on the Scheduled Value for such Disease Level set forth below, subject to the Payment Percentage in effect at the time of payment.

Individual Review (“IR ’9

Disease Level V claims filed as Extraordinary Claims must be established under the IR Process. In addition, any claim filed as Foreign Claims must be established under the Individual Review Process.

Pre-Petition Liquidated Claims

Pre-Petition Liquidated Claims are claims that were liquidated by (i) a binding settlement agreement for the particular claims entered into prior to the Petition Date that is judicially enforceable by the claimant, (ii) a jury verdict or non-final judgment in the tort system obtained prior to the Petition Date, or (iii) a judgement that became final and non-appealable prior to the Petition Date. Holders of Pre-Petition Liquidated Claims must submit all documentation necessary to demonstrate that the claim was liquidated prior to the Petition Date to Verus.

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Secondary Exposure Claims

Secondary Exposure Claims, as set forth in Section 5.5 of the TDP, are claims based on an asbestos-related disease involving (Disease Levels I–IV) that result solely from exposure to an occupationally exposed person. A claimant asserting a Secondary Exposure Claim must establish that the occupationally exposed person would have met the exposure requirements under the TDP that would have been applicable had that person filed a direct claim against the Trust.

Approved APG Claims

Claimants may elect to rely on medical evidence previously reviewed and approved by the APG Asbestos Trust for the same Disease Level.

Foreign Claims

A Foreign Claim, as set forth in Section 5.3(b)(1) of the TDP, is a claim with respect to which the claimant's exposure to an asbestos-containing product or to conduct that exposed the claimant to an asbestos-containing product, for which the Debtors have legal responsibility occurred outside of the United States and its Territories and Possessions, and outside of the Provinces and Territories of Canada. Foreign Claims must be processed through the IR Process.

Extraordinary Claims

An Extraordinary Claim under Section 5.4(a) of the TDP is a Shade Tree Mechanic Claim that otherwise satisfies the Medical Criteria for Disease Level V and the claimant's exposure to asbestos was at least 75% the result of exposure to asbestos-containing product or to conduct for which the Debtors have legal responsibility, and there is little likelihood of a substantial recovery elsewhere. If a claim qualifies as an Extraordinary Claim, the claimant is entitled to a liquidation value of up to \$34,264 (multiplied by the applicable Payment Percentage). Extraordinary Claims must be processed through the IR Process and satisfy the requirements set forth in Section 5.4(a)(1) – (a)(4) of the TDP.

Exigent Health Claims

An Occupationally Exposed Claim may qualify as an Exigent Hardship Claim, pursuant to Section 5.4(b)(1) of the TDP, if the claim meets the Medical/Exposure Criteria for Mesothelioma (Disease Level IV) and the claimant is living when the claim is filed. A claim in Disease Levels I-III qualifies as an Exigent Health Claim if the claim meets the Medical/Exposure Criteria for the Disease Level and the claimant provides a declaration or affidavit made under penalty of perjury by a physician who has examined the claimant within one hundred twenty (120) days of the date of declaration or affidavit in which the physician states (a) that there is a substantial medical doubt that the claimant will survive beyond six (6) months from the date of the

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declaration or affidavit, and (b) that the claimant's terminal condition is caused by the relevant asbestos-related disease.

Exigent Hardship Claims

A claim may qualify as an Exigent Hardship Claim, pursuant to Section 5.4(b)(2) of the TDP, if an Occupationally Exposed Claim meets the Medical/Exposure Criteria for Disease Levels I–IV and the 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.

REQUIREMENTS FOR A VALID CLAIM UNDER THE TDP

Statute of Limitations

All claims must be filed before the expiration of the relevant statute of limitations and repose. See Section 5.1(a)(2) of the TDP for details on the application of the statute of limitations and tolling provisions.

Respective Disease Levels and Their Scheduled Values

Claims are categorized according to five asbestos-related Disease Levels. Each Disease Level is assigned a Scheduled Value. Valid approved claims will be paid the following Scheduled Values, multiplied by the Payment Percentage in effect at the time of payment, except as otherwise provided under Section 4.3 of the TDP. The Initial Payment Percentage for the Trust has been set at 28.4%.

<u>Disease Level</u>	<u>Scheduled Disease</u>	<u>Scheduled Value</u>
V	Mesothelioma 2	\$12,100
IV	Mesothelioma	\$111,500
III	Lung Cancer	\$25,400
II	Other Cancer	\$5,400
I	Severe Asbestosis	\$25,400

¹ Pursuant to Section 5.3(a)(3) of the TDP, commencing on January 1, 2020, the Trust will increase the Scheduled Values for the Disease Levels proportionately by one percent (1%) per annum. Any such increases will be applicable to offers made following the dates of such increases. The Trust will publish annually on its website verusllc.com the current Scheduled Values for each Disease Level.

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Medical and Exposure Criteria to Qualify for Payment

The following summarizes the medical and exposure criteria for the various Disease Levels. This is only intended as a general guideline for a valid claim. As stated throughout these instructions, the TDP sets forth in detail the requirements that a claim must meet to receive an offer for the Scheduled Value. Claimants may elect to rely on medical evidence previously reviewed and approved by the APG Asbestos Trust for the same Disease Level.

Level V – Mesothelioma 2

1. Diagnosis of mesothelioma;
2. Substantial Debtor Exposure as defined in footnote 5 of the TDP; and
3. Claim qualifies as Shade Tree Mechanic Claim as defined in Section 2.1 of the TDP.

Level IV – Mesothelioma

1. Diagnosis of mesothelioma;
2. Debtor Exposure as defined in Section 5.7(b)(3) of the TDP; and
3. Claimant qualifies as Occupationally Exposed Claim as defined in Section 2.1 of the TDP.

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 6 of the TDP;
2. Six months of Debtor Exposure prior to December 31, 1982;
3. Significant Occupational Exposure as defined in Section 5.7(b)(2) of the TDP to asbestos;
4. Claimant qualifies as Occupationally Exposed Claim as defined in Section 2.1 of the TDP; and
5. 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 colorectal, laryngeal, esophageal, pharyngeal, or stomach cancer, plus evidence of an underlying Bilateral Asbestos-Related Nonmalignant Disease;
2. Six months of Debtor Exposure prior to December 31, 1982;
3. Significant Occupational Exposure to asbestos;
4. Claimant qualifies as Occupationally Exposed Claim as defined in Section 2.1 of the TDP; and
5. Supporting medical documentation establishing asbestos exposure as a contributing factor in causing the other cancer in question.

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Level I – Severe Asbestosis

1. Diagnosis of asbestosis with ILO of 2/1 or greater, or asbestosis determined by pathological evidence of asbestosis, plus (a) TLC less than 65%, or (b) FVC less than 65% and FEV1/FVC ratio greater than 65%;
2. Six months of Debtor Exposure prior to December 31, 1982;
3. Significant Occupational Exposure to asbestos;
4. Claimant qualifies as Occupationally Exposed Claim as defined in Section 2.1 of the TDP; and
5. Supporting medical documentation establishing asbestos exposure as a contributing factor in causing the pulmonary disease in question.

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 10-year latency period.

All diagnoses must be based upon a physical examination of the claimant by the physician providing the diagnosis of the asbestos-related disease, except that for Disease Levels II–V, the diagnosis may alternatively be based upon a diagnosis by a board-certified pathologist or by a pathology report prepared at or on behalf of a hospital accredited by the Joint Commission (formerly known as the Joint Commission on Accreditation of Healthcare Organizations or JCAHO). For a claimant who was deceased at the time of claim filing, a diagnosis for Disease Level I may alternatively be based upon (i) pathological evidence of the non-malignant asbestos-related disease, or (ii)(a) either an ILO reading of 2/1 or greater or pathological evidence of asbestosis; and (b), pulmonary function testing.

For a detailed description of the medical evidence requirements by Disease Level see TDP Section 5.7(a). Claimants are advised to review that section of the TDP before filing a claim.

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; provided, however, in the event that a claimant's representative or counsel certifies that a deceased injured party has no medical evidence related to or concerning the effects of asbestos exposure on his or her health, whether supporting a positive diagnosis or not, other than from one of the foregoing

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persons or facilities, the Trust may consider such medical evidence from the foregoing and give it whatever weight the Trust, in its sole discretion, deems appropriate.

Exposure Evidence

In general, to meet the presumptive exposure requirements of Expedited Review, the claimant must show:

- For all Disease Levels, Debtor Exposure as defined in Section 5.7(b)(3) of the TDP.
- For Severe Asbestosis (Disease Level I), Other Cancer (Disease Level II) or Lung Cancer (Disease Level III), six months of Debtor Exposure prior to December 31, 1982, plus Significant Occupational Exposure to asbestos.

The claimant must also indicate if the injured party was exposed to asbestos-containing products and/or conduct for which the injured party alleges a Debtor has legal responsibility on or after December 5, 1980. Pursuant to the Maremont Asbestos Personal Injury Trust Agreement, the Trust is required to act as reporting agent under the Medicare Secondary Payer Act (“MSP”) for the Reorganized Debtors and certain Insurers. The end date of the injured party’s exposure to the Debtor(s)’ asbestos-containing products and/or conduct is necessary for the Trust to determine its reporting requirements under the MSP, and the Trust will rely on the claimant’s representation regarding the exposure period to the Debtor(s)’ asbestos-containing products and/or conduct in making this determination.

Significant Occupational Exposure

“Significant Occupational Exposure” means employment for a cumulative period of at least five years in an industry and an occupation in which the claimant (i) handled raw asbestos fibers on a regular basis; (ii) fabricated asbestos-containing products so that the claimant in the fabrication process was exposed on a regular basis to raw asbestos fibers; (iii) altered, repaired or otherwise worked with an asbestos-containing product such that the claimant was exposed on a regular basis to asbestos fibers; or (iv) 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 (i), (ii) and/or (iii).

Exposure evidence may be established by an affidavit or sworn statement of the injured party, co-worker or family member in the case of a claim submitted on behalf of a deceased injured person (providing the Trust finds such evidence reasonably reliable), by invoices, employment, construction or similar records, interrogatory answers, sworn work history, deposition testimony or by other credible evidence.

Standard of Exposure

In order for a claim to be approved by the Trust, the injured party must have worked in a Presumptive Occupation and must demonstrate to the Trust’s satisfaction that he or she worked directly with the Debtor Product Lines. See Sections 5.7(b)(3)(A) and (B) of the TDP.

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Additional Exposure Questions

Questions related to the occupationally exposed person (OEP) are required to be answered for claims selected as Secondary Exposure Claims. Additional details are required for review of Extraordinary Claims, Exigent Hardship Claims or Exigent Health Claims and claimants are advised to review Section 5.4 of the TDP for the information and documentation that must be included for such claims as well as the below list of Supporting Documentation Needed for a Claim.

SUMMARY OF SUPPORTING DOCUMENTATION NEEDED FOR A CLAIM

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

For all claimants

- Medical records supporting the diagnosis of the claimed Disease Level.
- Proof of Debtor Exposure, as required by the TDP.

For deceased injured parties:

- Death certificate.
- Certificate of Official Capacity, Letters of Administration or other proof of the personal representative's official capacity, if applicable pursuant to state law.

For Extraordinary Claims (Disease Level V)

- The required information and documentation detailed in Sections 5.4(a)(1) – (a)(4) of the TDP.

For Exigent Health Claims for Disease Levels I-III:

- Declaration or affidavit by a physician who has examined the claimant as required by the Section 5.4(b)(1) of the TDP.

For Exigent Hardship Claims for Disease Levels I-IV based upon lost wages:

- Documentation supporting the claim that any and all wage loss incurred by the injured party was the result of the injured party's asbestos-related disease. This documentation would include, but not be limited to, medical records and/or reports, reports from governmental or insurance agencies and/or reports from the injured party's most recent employer.
- Tax returns and/or W-2 forms for the last three (3) full years of employment.

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Other supporting documentation, as applicable:

- Copy of tolling agreement (if applicable under Section 6).
- Copies of release of the Debtor(s) (if applicable under Section 6)

PROCESSING OF CLAIMS

In general, claims that have been deemed “sufficiently complete” pursuant to Section 5.1(a)(1) of the TDP will be processed in the order in which the claims are received by the Trust, on a first-in-first-out basis. See Section 5.1(a)(1) of the TDP for details of the FIFO processing order. In order to meet the “sufficiently complete” requirement, all of the following information must be provided with the initial submission:

Required Data

Claim Form Section	Label
Claims Process	Occupationally Exposed or Shade Tree
Claims Process	Expedited, Individual or Pre-petition Review
Section 2: Injured Party Information	Last Name
Section 2: Injured Party Information	First Name
Section 2: Injured Party Information	Social Security Number
Section 2: Injured Party Information	Date of Birth
Section 2: Injured Party Information	Date of Death (if applicable)
Section 2: Injured Party Information	Gender
Section 5: Asbestos Related Injury	Disease Level
Section 5: Asbestos Related Injury	Diagnosis Date
Section 6: Asbestos Litigation and Claims	Lawsuit Filing Date (if a lawsuit was filed)
Section 6: Asbestos Litigation and Claims	State Filed (if a lawsuit was filed)
Section 6: Asbestos Litigation and Claims	Court (if a lawsuit was filed)
Section 6: Asbestos Litigation and Claims	Docket Number (if a lawsuit was filed)
Section 6: Asbestos Litigation and Claims History:	Claimant’s Jurisdiction Selection (if no lawsuit was filed))
Section 8: Occupational Exposure to Asbestos Products	Start Date
Section 8: Occupational Exposure to Asbestos Products	End Date
Section 8: Occupational Exposure to Asbestos Products	Occupation
Section 8: Occupational Exposure to Asbestos Products	Post 12/05/1980 Exposure
Section 8: Occupational Exposure to Asbestos Products	Site
Section 8: Occupational Exposure to Asbestos Products	Location City
Section 8: Occupational Exposure to Asbestos Products	Location State

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Products	
Section 8: Occupational Exposure to Asbestos Products	Industry
Section 8: Occupational Exposure to Asbestos Products	Names of all asbestos-containing products used at this site which the injured party was exposed and which the injured party alleges the Debtor is legally responsible.
Section 8: Occupational Exposure to Asbestos Products	Description of Exposure
Section 12: Certification and Signature	Certification of Accuracy

PAYMENT OF CLAIMS

Once a claim is processed and determined to be compensable under the TDP, a liquidated value will be assigned to the claim in accordance with the TDP. Once the claimant accepts the liquidated value and returns the release to the Trust properly executed, the claim will be placed in the FIFO Payment Queue, following which the Trust will disburse payment subject to the payment limitations set forth in the TDP. If the claimant is represented by an attorney, the payment will be made to the attorney on behalf of the claimant. If the claimant is not represented by an attorney, the payment will be made directly to the claimant.

If the claim is made by a personal representative, the executed release must be accompanied by Certificate of Capacity or other proof of the personal representative's capacity unless such documentation has previously been submitted to the Trust.

Subject to the Occupational Maximum Annual Payment the holders of approved Occupationally Exposed Claims in Disease Levels I - IV will receive a payment equal to the Payment Percentage multiplied by the liquidated value of the claim. The Payment Percentage is the percentage of the full liquidated value of a claim that claimants will receive from the Trust. The Payment Percentage is calculated based on the Trust's estimate of the number, types and values of present and future claims and the value and liquidity of the Trust's assets after considering the Trust's operating expenses. The Trustee, with the consent of the Trust Advisory Committee and the Future Claimants' Representative, may adjust the Payment Percentage to reflect updated estimates of the Trust's assets and liabilities. The Initial Payment Percentage for the Trust has been set at 28.4%.

All approved Shade Tree Mechanic Claims in Disease Level V will be paid at the end of each year and will be paid the lesser of the pro rata share of the Shade Tree Maximum Annual Payment or the liquidated values established by the Trust, subject to the Payment Percentage.

If applicable, the claimant must provide for the payment and/or resolution of any obligations owing or potentially owing under 42 U.S.C. § 1395y et seq., or any other similar statute or regulation, and any related rules, regulations, or guidance issued in connection therewith or amendments thereto ("MSP"), including Section 111 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (P.L.110-173), or any other similar statute or regulation, and any related

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rules, regulations, or guidance issued or amendments or amendatory statutes passed in connection therewith.

QUESTIONS AND ASSISTANCE

If you have questions concerning these filing procedures or forms, you may reach the Trust in a variety of ways. The Trust has established a Help Line and website to report on the status of Trust operations and respond to questions. You can reach the Help Line at (888) 681-1129 or at trustsupport@verusllc.com. The Trust's website address is verusllc.com. A variety of training tools are also available at this website.