

## PITTSBURGH CORNING CORPORATION ASBESTOS PERSONAL INJURY SETTLEMENT TRUST

Dear Prospective Claimant or Claimant Counsel:

The Pittsburgh Corning Corporation Asbestos Personal Injury Settlement Trust (“Trust”) has been established under Chapter 11 of the Bankruptcy Code to resolve all “**Channeled Asbestos PI Trust Claims**” as defined in the Modified Third Amended Joint Plan of Reorganization (As Modified by the Technical Amendments) (the “**Plan**”).

**The Trust is commencing its operations and will begin receiving and processing claims on Tuesday, March 21, 2017 AM Eastern Time. 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.pccasbestostrust.com](http://www.pccasbestostrust.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 Pittsburgh Corning Corporation Asbestos Personal Injury Settlement Trust Distribution Procedures (“TDP”)*<sup>1</sup>. *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.*

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<sup>1</sup> Please refer to the Trust’s website ([www.pccasbestostrust.com](http://www.pccasbestostrust.com)) for the TDP.

## **Ordering of Claims:**

Pursuant to Section 5.1(a)(1) of the TDP, claims received prior to September 21, 2017 (the “**Initial Claims Filing Date**”) will be ordered for processing based on the earlier of:

- i. The date prior to April 16, 2000 (the “**Petition Date**”) that the specific claim was either filed against Pittsburgh Corning Corporation (“**Pittsburgh Corning**”) and/or an Asbestos Protected Party (“**APP**”) in the tort system or submitted to Pittsburgh Corning and/or an APP pursuant to an administrative settlement;
- ii. The date prior to April 16, 2000 that a claim was filed against another defendant in the tort system if, at the time, the claim was subject to a tolling agreement with Pittsburgh Corning and/or an APP;
- iii. The date after April 16, 2000 but before September 21, 2017 that the claim was filed against another asbestos defendant in the tort system;
- iv. The date after April 16, 2000 but before April 27, 2016 (the “**Effective Date**”) that a Proof of Claim was filed by the claimant against Pittsburgh Corning in the Chapter 11 proceeding; or
- v. The first date after April 16, 2000 that a ballot was submitted on behalf of the claimant for purposes of voting to accept or reject the Plan.
- vi. The date after April 27, 2016 but on or before the Initial Claims Filing Date that the claim was filed with the Asbestos PI Trust.

Claims received on or after September 21, 2017 will be ordered for processing on a first-in-first-out (FIFO) basis.

Claims will be paid in the order in which they are evaluated and approved for payment.

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

Pursuant to Sections 5.3(a) and 5.3(b) of the TDP, a claimant may elect to submit a claim for either Expedited Review (ER) or Individual Review (IR). The ER process is designed primarily to provide an expeditious, efficient and inexpensive method for liquidating all categories of Channeled Asbestos PI Trust Claims (except those involving Lung Cancer 2, Foreign Claims, Secondary Exposure Claims, and claims that cannot provide credible evidence of exposure to Unibestos during the period 7/1/1962 - 12/31/1972 or another asbestos-containing product manufactured, marketed, sold, or distributed by Pittsburgh Corning prior to December 31, 1982). ER is a method of review intended for claims that can be easily verified by the Trust as meeting the presumptive Medical/Exposure criteria for the relevant disease level. ER will provide qualifying claimants a fixed claims payment subject to the Payment Percentage (see Scheduled Values below). Accordingly, ER provides claimants with a substantially less burdensome process for pursuing Channeled Asbestos PI Trust Claims than the IR process described below and in Section 5.3(b) of the TDP.

Alternatively, a claimant may elect to have a claim undergo the IR process if the claim does not meet presumptive Medical/Exposure criteria for any of the Disease Levels set forth in Section

5.3(a)(3) or to determine whether the liquidated claims value exceeds the Scheduled Value for Disease Level set forth in that provision. The IR Process provides the claimant with an opportunity for individual consideration and evaluation of the Medical/Exposure information submitted as well as the liquidated value of the claim. The IR process is intended to result in payments equal to the liquidated value for each claim multiplied by the Payment Percentage; however, the liquidated value of any claim that undergoes IR may be determined to be less than the claimant would have received under ER. Because the detailed examination and valuation process related to IR requires substantial time and effort, claimants electing to undergo the IR process will ordinarily have a longer waiting period for payment than if the claimants elected the ER process.

**Settlement Offers:**

Approved ER claims will be paid the following Scheduled Values, multiplied by the Payment Percentage that is in effect at the time pursuant to the TDP. Disease Level I claims are not subject to the Payment Percentage.

<u>Disease Level</u>	<u>Scheduled Disease</u>	<u>Scheduled Value</u>
VIII	Mesothelioma	\$175,000
VII	Lung Cancer 1	\$47,500
VI	Lung Cancer 2	None
V	Other Cancer	\$27,500
IV	Severe Asbestosis	\$47,500
III	Asbestosis/Pleural Disease	\$11,750
II	Asbestosis/Pleural Disease	\$5,500
I	Other Asbestos Disease	\$400 (Cash Discounted Payment)

**Payment Percentage:**

The current Payment Percentage will be published on the website. The Payment Percentage is subject to adjustment by the Trustees under the terms of the TDP. Payment will be made as soon as practicable after receipt and review of the completed Claim Form and receipt of a fully executed release. Sequencing adjustment will be calculated as applicable at time of payment pursuant to Section 7.5 of the TDP. Disease Level I claims are not eligible for sequencing adjustment.

**Proof Required to Qualify for Payment:**

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

### **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 VIII: Mesothelioma**

1. Diagnosis of mesothelioma; and
2. Exposure to Unibestos<sup>1</sup> during the period July 1, 1962-December 31, 1972, or to another asbestos-containing product manufactured, marketed, sold or distributed by Pittsburgh Corning prior to December 31, 1982.

#### **Level VII: Lung Cancer 1**

1. Diagnosis of a primary lung cancer plus evidence of an underlying Bilateral Asbestos-Related Nonmalignant Disease as defined in Footnote 4 of the TDP;
2. Six months of exposure to Unibestos during the period July 1, 1962-December 31, 1972, or to another asbestos-containing product manufactured, marketed, sold or distributed by Pittsburgh Corning prior to December 31, 1982;
3. Significant Occupational Exposure to asbestos as described 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 VI: Lung Cancer 2**

1. Diagnosis of a primary lung cancer;
2. Exposure to Unibestos during the period July 1, 1962-December 31, 1972, or to another asbestos-containing product manufactured, marketed, sold or distributed by Pittsburgh Corning prior to December 31, 1982; and
3. Supporting medical documentation establishing asbestos exposure as a contributing factor in causing the lung cancer in question.

Lung Cancer 2 (Disease Level VI) Claims are those that do not meet the more stringent medical and/or exposure requirements of Lung Cancer 1 (Disease Level VII) claims. All claims in this Disease Level will be individually evaluated. The estimated likely average of the individual evaluation awards for this category is \$20,000, with such awards capped at \$50,000 unless the claim qualifies for Extraordinary Claim treatment (as described in Section 5.4 of the TDP).

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<sup>1</sup> The term “exposure to Unibestos” means exposure to an asbestos-containing product manufactured, marketed, sold or distributed by Pittsburgh Corning under the “Unibestos” or other label for which Pittsburgh Corning, any PPG Entity or any Corning Entity has direct or indirect liability; however, the Trust shall be free to contest whether a particular Unibestos product was in fact manufactured, marketed, sold or distributed by Pittsburgh Corning.

Disease Level VI 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 will be treated as having any significant value, especially if the claimant is also a Smoker (see footnote 5 of the TDP). In any event, no presumption of validity will be available for any claims in this category.

#### **Level V: 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 Unibestos during the period July 1, 1962-December 31, 1972, or to another asbestos-containing product manufactured, marketed, sold or distributed by Pittsburgh Corning prior to December 31, 1982;
3. Significant Occupational Exposure to asbestos as described in 5.7(b)(2) of the TDP; and
4. Supporting medical documentation establishing asbestos exposure as a contributing factor in causing the other cancer in question.

#### **Level IV: 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 of exposure to Unibestos during the period July 1, 1962-December 31, 1972, or to another asbestos-containing product manufactured, marketed, sold or distributed by Pittsburgh Corning prior to December 31, 1982;
3. Significant Occupational Exposure to asbestos as described in 5.7(b)(2) of the TDP; and
4. Supporting medical documentation establishing asbestos exposure as a contributing factor in causing the pulmonary disease in question.

#### **Level III: 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 of exposure to Unibestos during the period July 1, 1962-December 31, 1972, or to another asbestos-containing product manufactured, marketed, sold or distributed by Pittsburgh Corning prior to December 31, 1982;
3. Significant Occupational Exposure to asbestos as described in 5.7(b)(2) of the TDP; and

4. Supporting medical documentation establishing asbestos exposure as a contributing factor in causing the pulmonary disease in question.

**Level II: Asbestosis/Pleural Disease**

1. Diagnosis of Bilateral Asbestos-Related Nonmalignant Disease;
2. Six months of exposure to Unibestos during the period July 1, 1962-December 31, 1972, or to another asbestos-containing product manufactured, marketed, sold or distributed by Pittsburgh Corning prior to December 31, 1982; and
3. Five years cumulative occupational exposure to asbestos.

**Level I: Other Asbestos Disease (Cash Discount Payment)**

1. Diagnosis of Bilateral Asbestos-Related Nonmalignant Disease or an asbestos-related malignancy other than mesothelioma or Lung Cancer; and
2. Exposure to Unibestos during the period July 1, 1962-December 31, 1972, or to another asbestos-containing product manufactured, marketed, sold or distributed by Pittsburgh Corning prior to December 31, 1982.

**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 (April 27, 2016) that a claimant's disease is "consistent with" or "compatible with" asbestosis shall not alone be treated by the Trust as a diagnosis.

Except for asbestos claims filed against Pittsburgh Corning, any PPG Entity, any Corning Entity, or another defendant in the tort system before the Petition Date, all diagnoses of a non-malignant disease (Disease Levels I-IV) shall be based, in the case of a claimant who is living at the time 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 also must provide (i) for Disease Levels I-III, evidence of Bilateral Asbestos-Related Nonmalignant Disease (as defined in TDP Section 5.3(a)(3) footnote 4; (ii) for Disease Level IV, an ILO reading of 2/1 or greater or pathological evidence of asbestosis, and (iii) for Disease Levels III and IV, pulmonary function testing (as set forth in TDP Section 5.7(a)(1)(A) footnote).

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

A physical examination of the claimant by the physician providing the diagnosis of the asbestos-related disease; or

Pathological evidence of the asbestos-related disease; or

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

For either Disease Level III or IV, pulmonary function testing.

For Disease Levels V-VIII – All diagnoses of asbestos-related malignant disease shall be based upon either (1) a physical examination of the claimant by the physician providing the diagnosis of the malignant asbestos-related disease, or (2) a diagnosis of such 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 (formerly known as the Joint Commission on Accreditation of Healthcare Organizations or (JCAHO).

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, 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 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 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. and Occupational Diagnostics.*

**Exposure Criteria for Qualification:**

*Unibestos/Other Pittsburgh Corning Exposure and Significant Occupational Exposure* To qualify for any Disease Level in Expedited Review, a claimant must demonstrate: (1) meaningful and credible exposure to Unibestos during the period July 1, 1962-December 31, 1972, or to another asbestos-containing product manufactured, marketed, sold or distributed by Pittsburgh Corning prior to December 31, 1982; and (2) for certain disease levels, a claimant must demonstrate Significant Occupational Exposure (“**SOE**”) to asbestos products.

*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 to Unibestos or to another asbestos-containing product manufactured, marketed, sold or distributed by Pittsburgh Corning, and (2) SOE, if applicable.

There are two ways to demonstrate that Unibestos or another asbestos-containing product manufactured, marketed, sold or distributed by Pittsburgh Corning were at a work site:

1. The claimant worked at a site which is listed on the approved Pittsburgh Corning site list, found on the website at [www.pccasbestostrust.com](http://www.pccasbestostrust.com); or
2. The claimant can establish, through affidavit, invoices, deposition testimony, or other means as described below in the section “Documentation to Support Exposure” that Unibestos or another asbestos-containing product manufactured, marketed, sold or distributed by Pittsburgh Corning was used at a particular work site. A certification of counsel alone is not sufficient to establish Unibestos or another asbestos-containing product manufactured, marketed, sold or distributed by Pittsburgh Corning was 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 Unibestos or another asbestos-containing product manufactured, marketed, sold or distributed by Pittsburgh Corning. Additionally, questions 5 and 6 also relate to 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).

If a claimant worked in an occupation/industry listed on the SOE Occupations Rating list, found on the website at [www.pccasbestostrust.com](http://www.pccasbestostrust.com), for at least five years with a minimum of two years prior to December 31, 1982, 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 III, IV, V and VII.



### ***Pittsburgh Corning Exposure***

Question 7 in Part 3 relates to the evidence that is necessary to demonstrate exposure to Unibestos or to another asbestos-containing product manufactured, marketed, sold or distributed by Pittsburgh Corning. All claimants must answer question 7(a), unless the site is being offered only for the purpose of demonstrating significant occupational exposure.

All claimants must answer 7(b) if the claimant's industry/occupation pairing is not on the SOE Occupations Rating List.

Where instructed to answer question 7(b), the claimant must state how the injured party was exposed to the type of asbestos-containing product manufactured, marketed, sold or distributed by Pittsburgh Corning. It is not necessary that the claimant identify the product by name, but it is necessary that the description relate to the same type of product or activity that is associated with the site. It is necessary that the description provides detail on how the claimant interacted with the product.

If you are required to answer question 7(b) and this information is already set forth in documents submitted in response to questions 1 or 6 in Part 3 of the Claim Form (e.g., claimant affidavit, interrogatory answers), respond to question 7(b) by simply referencing the documents attached to the claim by document number.

### ***Documentation to Support Exposure***

Where a claimant must demonstrate that Unibestos or another asbestos-containing product manufactured, marketed, sold or distributed by Pittsburgh Corning was at a site/plant, or where a claimant seeks to demonstrate SOE or company exposure other than by certification of counsel, such evidence may be established by:

- An affidavit of the injured party
- An affidavit of a co-worker
- An affidavit of a family member in the case of a deceased claimant
- Invoices
- Construction or similar records
- Sworn statement, interrogatory answers, sworn work history, or deposition/trial testimony
- Other credible evidence (this may include documents uploaded to the claim form to further explain exposure information as indicated on the claim form)

When submitting deposition transcripts or any other transcripts in support of a claim, claimants must designate the relevant lines and pages of the transcript, as well as state the question(s) on the claim form the transcript is intended to support. The Trust will not review the claim if this information is not provided.

**Litigation/Claims History:**

In Part 5, for all claims, Question 1 and 1(a) must be answered. If Question 1 is answered “yes”, but 1(a) is answered “no” for Pittsburgh Corning or an APP, then you must answer Question 3 in Part 5. When answering Question 3 in Part 5, you must select jurisdiction based on one of the following:

- 1 State where the claimant lived when he was diagnosed.
2. State where the claimant was exposed to the Pittsburgh Corning or APP asbestos product;  
or
3. State where the claimant lived when he filed his claim with the Trust.

**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:

The Pittsburgh Corning Corporation Asbestos Personal Injury Settlement Trust  
P.O. Box 1032  
Wilmington, Delaware 19899-1032

**Questions and Assistance:**

If you have questions concerning the claim filing procedures, instructions or forms, you may reach the Trust’s claims processor, the Delaware Claims Processing Facility or DCPF in a variety of ways. For assistance with the bulk upload tool, converting and linking claims or web services, please contact the DCPF websupport at (866)-665-5790 or email websupport at [websupport@pccasbestostrust.com](mailto:websupport@pccasbestostrust.com). In addition, the websupport department can provide web-based training for all Trust Online users. A detailed user manual is also available on the Trust’s website at [pccasbestostrust.com](http://pccasbestostrust.com).

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)708-8925 or by email at [claimantrelations@delcpf.com](mailto: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 our law firm coordinator at [claimantrelations@delcpf.com](mailto:claimantrelations@delcpf.com) or at (800)708-8925.

Sincerely,

Pittsburgh Corning Corporation Asbestos Personal Injury Settlement Trust Trustees