

## Sepeco Asbestos Personal Injury Trust

# Instructions for Filing Asbestos Personal Injury Claims

The Sepeco Asbestos Personal Injury Trust (the “*Trust*”) was established pursuant to the Second Amended Plan of Reorganization, as Modified, for Sepeco Corporation Under Chapter 11 of the Bankruptcy Code dated as of December 12, 2019 (as amended or supplemented, the “*Plan*”),<sup>1</sup> by Sepeco Corporation (referred to as the “*Debtor*,” “*Sepeco*,” or the “*Settlor*”), the debtor and debtor-in-possession whose chapter 11 case is administered under Case No. 16-50058 in the United States Bankruptcy Court for the Northern District of Ohio by order entered on March 23, 2020, and thereafter affirmed by order of the United States District Court for the Northern District of Ohio entered on May 5, 2020. The Trust was established to process, liquidate and pay valid Asbestos Personal Injury Claims in accordance with the Sepeco 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 \$50 must be submitted with this claim. The claim will not be deemed to be filed with the Trust until the filing fee is remitted within 60 days of submitting the claim form to the Trust. The filing fee should be submitted via a check made payable to the Sepeco 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](mailto: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.

<sup>1</sup> The Debtor in the chapter 11 case was Sepeco Corporation.

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### **Instructions for Filing a Claim**

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**

##### ***Expedited Review (“ER”)***

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, subject to the Payment Percentage in effect at the time of payment. The Scheduled Value for each Disease Level can be found on the Trust’s website [verusllc.com](http://verusllc.com).

##### ***Pre-Petition Liquidated Claims***

Pre-Petition Liquidated Claims, as set forth in Section 5.2 of the TDP, are claims that were liquidated by (i) a binding settlement agreement for the particular claim 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 judgment that became final and non-appealable prior to the Petition Date. The Petition Date is January 14, 2016. 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. See Section 5.2 of the TDP for more details.

##### ***Secondary Exposure Claims***

Secondary Exposure Claims, as set forth in Section 5.4 of the TDP, are claims based on asbestos-related Disease Levels I–V 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. In addition, the claimant must establish that: (1) the injured party’s own exposure to the occupationally exposed person occurred within the same time frame as the occupationally exposed person was exposed to the asbestos-containing products for which the Trust has legal responsibility and (2) that such secondary exposure was a cause of the claimed disease.

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### **Instructions for Filing a Claim**

#### ***Approved APG / GVH / Maremont Trust Claims***

Claimants may elect to rely on medical evidence previously reviewed and approved by the APG Asbestos Trust, the Geo. V. Hamilton Asbestos PI Trust or the Maremont Asbestos PI Trust for the same Disease Level.

#### ***Extraordinary Claims***

An Extraordinary Claim under Section 5.3(a)(4) of the TDP is a Claim that otherwise satisfies the Medical Criteria for the relevant Disease Level and the claimant's exposure to asbestos (i) occurred predominantly as a result of working in a manufacturing facility of the Debtor during a period in which the Debtor was manufacturing asbestos-containing product at the facility, or (ii) was at least 75% the result of exposure to asbestos-containing product or to conduct for which the Debtor has legal responsibility; and in either case 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 five (5) times the Scheduled Value for the relevant Disease Level (multiplied by the applicable Payment Percentage).

Extraordinary Claims must satisfy the requirements set forth in Section 5.3(a)(4) of the TDP. After submission of the claim form, Verus will reach out to the claimant regarding the additional information and documentation requirements needed to fully process and consider the Extraordinary Claim. One of the additional documents the Trust will require is an Authorization for Release of Records of Other Asbestos Trusts and Claims Resolution Facilities ("***Authorization for Release***") which is a form in favor of the Trust authorizing all other asbestos trusts and claim resolution facilities against whom any such other claim has been made or asserted based on the injured party's injury to release to the Trust all information submitted to it by such claimant or entity who made such other claim and to disclose the status of any such claim and the amount and date of payment on the claim.

#### **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 listed below. Each Disease Level is assigned a Scheduled Value. The Scheduled Values in effect are posted on the Trust's website at [verusllc.com](http://verusllc.com). Commencing on January 1, 2021, 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.

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Valid approved claims will be paid the 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 10 %.

<u>Disease Level</u>	<u>Scheduled Disease</u>
V	Mesothelioma
IV	Lung Cancer 1
III	Lung Cancer 2
II	Other Cancer
I	Severe Asbestosis

#### ***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, or the Geo. V. Hamilton Asbestos PI Trust or the Maremont Asbestos PI Trust for the same Disease Level.

#### Level V – Mesothelioma

1. Diagnosis of mesothelioma;
2. Debtor Exposure as defined in Section 5.6(b)(3) of the TDP.

#### Level IV – Lung Cancer 1

1. Diagnosis of a primary lung cancer plus evidence of an underlying Bilateral Asbestos-Related Nonmalignant Disease as defined in footnote 5 of the TDP;
2. Six months of Debtor Exposure as defined in Section 5.6(b)(3) of the TDP;
3. Significant Occupational Exposure to asbestos as defined in Section 5.6(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 III – Lung Cancer 2

1. Diagnosis of a primary lung cancer;
2. Six months of Debtor Exposure as defined in Section 5.6(b)(3) of the TDP;
3. Significant Occupational Exposure to asbestos as defined in Section 5.6(b)(2) of the TDP; and
4. Supporting medical documentation establishing asbestos exposure as a contributing factor in causing the lung cancer in question.

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#### 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 as defined in footnote 5 of the TDP;
2. Six months of Debtor Exposure as defined in Section 5.6(b)(3) of the TDP;
3. Significant Occupational Exposure to asbestos as defined in Section 5.6(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 I – Severe Asbestosis

1. Either:
  - a. Diagnosis of asbestosis with ILO of 2/1 or greater, or asbestosis determined by pathological evidence of asbestosis, plus (x) TLC less than 65%, or (y) FVC less than 65% and FEV1/FVC ratio greater than 65%<sup>2</sup>; or
  - b. An “*Asbestosis Death*,” which is defined to mean a death where (x) asbestosis is listed as the cause or a significant contributing cause of death on the death certificate or (y) a report from a Qualified Physician who is a pathologist, a pulmonologist or an occupational medicine physician states that asbestosis was a significant contributing cause of death; or
  - c. Diagnosis of asbestosis with ILO of 2/1 or greater, or asbestosis determined by pathological evidence of asbestosis, plus (x) a Qualified Physician who is a pulmonologist or an occupational medicine physician prescribes oxygen to the injured party, (y) the treating Qualified Physician states that the predominant cause of the need for oxygen is asbestosis, and (z) the oxygen is needed by the injured party to perform activities of daily life (e.g., not oxygen that is prescribed only for comfort care, at night, for surgery, or on occasion);
2. Six months of Debtor Exposure as defined in Section 5.6(b)(3) of the TDP;
3. Significant Occupational Exposure to asbestos as defined in Section 5.6(b)(2) of the TDP; and
4. Supporting medical documentation establishing asbestos exposure as a contributing factor in causing the pulmonary disease in question.

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<sup>2</sup> This must be the actual measured value as opposed to the percentage of predicted.

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### **Instructions for Filing a Claim**

#### ***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 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). All living Disease Level I claimants must also provide (i) an ILO reading of 2/1 or greater or pathological evidence of asbestosis and (ii) pulmonary function testing, which is defined in Footnote 8 of Section 5.6(a)(1)(A) of the TDP (unless the claimant is able to meet the requirements in (1)(c) of the Medical/Exposure Criteria for Severe Asbestosis in Section 5.3(a)(3) of the TDP).

For a Disease Level I claimant who was deceased at the time of claim filing, a diagnosis for Disease Level I may alternatively be based upon either (i) a physical examination of the claimant by the physician providing the diagnosis along with an ILO reading of 2/1 or greater, (ii) pathological evidence of asbestosis, or (iii) the medical documentation required for an "Asbestosis Death" (as defined above). In the case of a diagnosis based on (i) or (ii), the claimant must also provide pulmonary function testing (unless the claimant is able to meet the requirements in (1)(c) of the Medical/Exposure Criteria for Severe Asbestosis in Section 5.3(a)(3) of the TDP).

For a detailed description of the medical evidence requirements by Disease Level see TDP Section 5.6(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 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.

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#### *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 5.6(b)(3) of the TDP.
- For Severe Asbestosis (Disease Level I), Other Cancer (Disease Level II), Lung Cancer 2 (Disease Level III), or Lung Cancer 1 (Disease Level IV), six months of Debtor Exposure, plus Significant Occupational Exposure to asbestos as defined in Section 5.6(b)(2) of the TDP.

In order for a claim to be approved by the Trust, the injured party must demonstrate to the Trust's satisfaction that he or she regularly worked with the Debtor's asbestos gaskets, asbestos packing, asbestos tubing, asbestos thermal insulation for tubing and/or piping, and/or asbestos insulation blankets in settings where those products were being ground, scraped, brushed, cut, removed, or physically manipulated in such a manner as to cause the release of asbestos fibers.

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 Sepeco Asbestos Personal Injury Trust Agreement, the Trust is required to register as a Responsible Reporting Entity ("**RRE**") and to act as the RRE and reporting agent under the reporting provisions of Section 111 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Pub. L. 110-173) ("**MMSEA**") in order to fulfill the reporting requirements applicable to the funders of the Trust. 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 MMSEA, 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, coworker 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,

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construction or similar records, interrogatory answers, sworn work history, deposition testimony or by other credible evidence.

#### *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 and claimants are advised to review Section 5.3(a)(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. If you elect to have your claim processed as an Extraordinary Claim you will be required to submit an Authorization for Release. The Authorization for Release form will be provided to you by Verus after submission of the claim form. Verus will also contact you and request the additional information and/or documentation required by the Trust pursuant to Section 5.3(a)(4).

#### **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:*

- The required information and documentation detailed in Sections 5.3(a) (4) of the TDP, such information and documentation requests which will be provided to claimant after submission of the claim form.

##### *Other supporting documentation, as applicable:*

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

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#### 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:

#### Required Data

Claim Form Section	Label
Section 1: Review of Claim	Expedited 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	Gender
Section 2: Injured Party Information	Date of Death (if applicable)
Section 5: Asbestos Related Injury	Disease Level
Section 5: Asbestos Related Injury	Diagnosis Date
Section 6: Asbestos Litigation and Claims History:	Lawsuit Filing Date (if a lawsuit was filed)
Section 6: Asbestos Litigation and Claims History:	State Filed (if a lawsuit was filed)
Section 6: Asbestos Litigation and Claims History:	Court (if a lawsuit was filed)
Section 6: Asbestos Litigation and Claims History:	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
Section 8: Occupational Exposure to Asbestos Products	Employer at time exposure occurred
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 11: Certification and Signature	Certification of Accuracy

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### **Instructions for Filing a Claim**

#### **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 Maximum Annual Payment the holders of approved claims in Disease Levels I - V 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 %10.

As part of the release, the claimant will be required to provide a certification from the claimant to be paid that said claimant has or will provide for the payment and/or resolution of any obligations owing or potentially owing under 42 U.S.C. § 1395y(b), or any related rules, regulations, or guidance, in connection with, or relating to, such Asbestos Claim.

#### **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](mailto:trustsupport@verusllc.com). The Trust's website address is [verusllc.com](http://verusllc.com). A variety of training tools are also available at this website.