

To: All Celotex Asbestos Trust Claimant Counsel

From: John L. Mekus, Executive Director

Re: Notice of Trust Policy Regarding Acceptance of Medical Reports

Date: October 18, 2005

In July 2005 the Celotex Asbestos Settlement Trust placed an administrative hold on claims that relied upon medical reports by certain doctors and screening companies challenged in the Silica MDL proceedings in Corpus Christi, Texas. The hold extended to claims in process, claims settled but not yet paid anything, and claims settled but not yet paid a second installment IRC payment. The purpose of this letter is to update the status of those claims and to announce the Trust's determination to no longer accept medical reports from certain doctors and screeners.

**The Listed Doctors And Screeners**

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.  
Occupational Diagnostics

**Claims Newly Filed**

Until further notice, effective immediately all claims filed with the Trust must not rely upon medical reports by any of the Listed Doctors And Screeners. Any claim filed that relies on a medical report by these doctors or screeners shall be treated as **deficient** and the claimant will be so notified. Any such deficiency may be cured by the claimant's submission of a medical report to replace the one by a Listed Doctor And Screener.

**Claims Already Filed That Have Not Yet Been Settled**

Until further notice, effective immediately all claims already filed with the Trust but not yet settled that rely upon medical reports by any of the Listed Doctors And Screeners shall be treated as **deficient** and the claimant shall be so notified. For this purpose, a claim has not been settled unless the Trust has received a release signed by the claimant as of the date of this notice. Any such deficiency may be cured by the claimant's submission of a medical report to replace the one by a Listed Doctor And Screener.

### **Claims Already Settled But No Payment Has Been Made**

Until further notice, all claims already settled by the Trust that rely upon medical reports by any of the Listed Doctors And Screeners shall remain on administrative **hold**. For this purpose, a claim has been settled if the Trust has received a release signed by the claimant as of the date of this notice.

### **Claims Awaiting Second IRC Installment Payment**

Until further notice, all settled claims awaiting a second installment payment that rely upon medical reports by any of the Listed Doctors And Screeners shall remain on administrative **hold**.

### **Lifting Administrative Hold**

The Trust shall lift the administrative hold described herein if: (1) the claimant submits a new medical report to replace the one by a Listed Doctor And Screener; or (2) the claimant demonstrates that a medical report by any of the Listed Doctors And Screeners submitted in connection with a claim was not relied upon by the doctor providing the diagnosis of the asbestos-related disease for the claim; or (3) after re-reviewing the medical evidence submitted with all settled claims, the Trust determines that a medical report by any of the Listed Doctors And Screeners submitted in connection with a settled claim was not relied upon by the doctor providing the diagnosis of the asbestos-related disease for the claim.

The Trust may lift the administrative hold described herein after further review, including audit of supporting tests, audit of x-rays, or direct inquiry of doctors or screeners.

### **Rescission Notice**

If the administrative hold on any claim is not lifted as described above, after a reasonable period of time the Trust may elect to rescind its settlement of such a claim. **All claimants whose claims are now subject to the administrative hold described herein are hereby on notice that the Trust may assert a right to rescind its settlement of their claims.**

If you have any questions regarding this notice, please contact the Celotex Trust Helpline at (888) 872-3160.