

## **H. K. Porter Asbestos Trust**

### **Policies on Response Deadlines and Re-Opening of Closed Claims**

In order to keep claims in the system progressing and to aid in projecting claims payments, the Trust has adopted the following deadlines.

- The Trust previously allowed 120 days to respond to a request for a Supplemental Proof of Claim (SPOC) for a Non-Expedited claim. With the new universal claim form used for all claims, this should no longer be relevant unless an Expedited or Exigent claim is refiled as Non-Expedited.
- The Trust allows 180 days from date of notification to cure deficiencies.
- The Trust allows one year from a settlement offer to return a properly-executed release.

A claimant or law firm may request that the processing of a claim be deferred at any time prior to the claim being closed. Forms for starting or stopping deferral are on the website.

A claimant may withdraw a claim at any time prior to when it is closed. A withdrawn claim will be closed, but the claimant has the right to file a subsequent claim. Upon a withdrawal, any statute of limitation for filing that claim against the Trust shall be tolled for a subsequently filed claim for the same claimant.

A failure to timely act by a claimant or law firm may cause the Trust to have to pay twice to process the same claim. As a deterrent to failing to respond to a request in a timely manner, the Trust has adopted the following procedures.

- Before closing expired claims, the claims processor (“Verus”) is to send a clear notice to a claimant or firm listing the claims that are scheduled to be closed and the reasons for closing each claim or group (e.g. time expired after deficiency notice or failure to provide a properly-executed release). Notices to firms using the electronic system may be sent through that system. Notices to other firms may be sent via e-mail with a request for a read response. Notices to individual claimants are to be sent via mail.
- An individual claimant is free to resubmit such closed claims on their own, or through a different law firm, with no consequences.
- A law firm that failed to respond may request that such closed claims be re-opened, on the condition that a fee will be paid by the law firm to partially compensate the Trust for the added work and expense caused by that firm. This fee established in 2008 was \$35 per claim, which is subject to annual adjustment<sup>i</sup>. Effective November 1, 2014, the fee will be increased to \$40. The fee shall be made payable to “H K Porter Asbestos Trust” and sent to Verus for recording and forwarding to the Trust.

Law firms may submit a request to Verus with a list of the claims that they wish to re-open under these terms. Before such claims are re-opened, Verus must receive a fee payment for each claim to be re-opened. In the event that any re-opened claim is again closed for failure to meet a deadline, an additional fee will be assessed for re-opening after each occurrence.

---

<sup>i</sup> This same fee shall be required before a previously rejected Expedited or Exigent claim is refiled as Non-Expedited.