

Memorandum

Porter Hayden Bodily Injury Trust

To: All Counsel for Claimants

From: Dennis Feeley, Trustee

Date: August 31, 2011

Re: Product ID Guidelines for Claims Review

As required by Section 5.3(a)(2) of the Trust Distribution Procedures (“TDP”) for the Porter Hayden Bodily Injury Trust, all claimants must present meaningful and credible evidence of exposure to asbestos containing products installed, sold, distributed, marketed or removed by Porter Hayden Company.

Porter Hayden Company was an insulating company that predominately installed asbestos products at industrial sites in NY, NJ, PA, MD, VA, NC, and SC. The historical record has not established that Porter Hayden Company worked at sites such as the following:

- Family owned business such as plumbing, welding, or electrical companies
- Low-rise apartment buildings
- Residential sites
- Retail sites

The types of sites where Porter Hayden Company did do business are shown on the “Approved Job Site List”, which has been published at www.porterhaydentrust.com. Porter Hayden Company has a long history of settling asbestos claims since the early 1980’s. The Approved Job Site List evolved from these negotiations and continues to be updated as appropriate. The initial list was developed based on credible evidence from knowledgeable people involved with Porter Hayden Company employees or products; shipping and receiving invoices; trial testimony; claimant affidavits; coworker affidavits; and other eyewitness accounts or testimony. The same type of information is reviewed by Porter Hayden Company and its lawyers to expand the list when appropriate, as determined by the Porter Hayden Trustee.

In the event that a POC is received with an affidavit alleging exposure to products installed, or otherwise provided by Porter Hayden Company at a site not on the “Approved Job Site List”, the claims administrator will request additional information from the claimant’s counsel (or pro se claimant) to ensure that the exposure is valid.

The sufficiency of such an affidavit should be judged by the following criteria. Facts should be provided with sufficient detail to support a reasonable inference that Porter Hayden Company was responsible for some portion of the claimant’s asbestos exposure. Conclusory statements and general allegations lacking detail are not sufficient. The affidavit must provide enough detail to persuade that the witness

observed and recalls the connection between Porter Hayden Company, the worksite and the claimant. Particularly helpful in this regard are details about the nature of the work at the site, Porter Hayden Company's role in that work, and what distinguishing characteristic of Porter Hayden Company the witness recalls.

Porter Hayden Company has created the following list of states for which it has little or no evidence of business activity with asbestos. Claims from these states will receive heightened scrutiny for the sufficiency of evidence regarding a meaningful and credible exposure to asbestos containing products installed, sold, distributed, marketed or removed by Porter Hayden Company.

Alabama	Kansas	North Dakota
Alaska	Kentucky	Ohio
Arizona	Louisiana	Oklahoma
Arkansas	Michigan	Oregon
California	Minnesota	Rhode Island
Colorado	Mississippi	South Dakota
Florida	Missouri	Texas
Hawaii	Montana	Utah
Idaho	Nebraska	Washington
Indiana	Nevada	Wisconsin
Iowa	New Mexico	Wyoming

Assertions of exposure in states not indicated above, are not presumed to be sufficient for meeting the requirements of Section 5.3(a)(2). The list of states above is a ready guide to start analyzing exposure evidence at unfamiliar sites. If additional information is received which indicates that a state should be removed from the above indicated states, the Trust will provide an updated list.