

# DII Industries, LLC Asbestos PI Trust

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## TRUST UPDATE **OCTOBER 20, 2009**

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The Trust is increasing its Scheduled, Average, and Maximum Values, changing its Payment Percentage, and updating its Individual Review (IR) valuation model (“Changes and Updates”).

- The Changes and Updates are being made after consultation with, and where required, the consent of the Trust Advisory Committee and Legal Representative.
- While the Changes and Updates are being completed, no offers are being made by the Trust.
- The Trust expects the Changes and Updates to be completed over the weekend of November 6, 2009, with new offers being made starting November 9, 2009.
- Claim payments will continue to be made to all claimants who return acceptable, or non-deficient, releases **before** 5:00 p.m. EDT on Wednesday, October 28, 2009. As a reminder, the Trust only accepts the fully executed original release for payment processing. As such, uploading a release to TrustOnline will not constitute receipt by the Trust for any purpose.
- At 5:00 p.m. EDT on Wednesday, October 28, 2009, *the Trust will withdraw all outstanding offers*; that is, if the Trust has extended a settlement offer to a claimant but the Trust has not received the non-deficient acceptance of that offer on or before 5:00 p.m. EDT on Wednesday, October 28, 2009, such offer will be withdrawn and cannot be accepted thereafter.
- After the pending offer is withdrawn, the Trust will make a new offer using the updated TDP values and subject to the applicable payment percentage. These new offers should be made starting on November 9, 2009.
- Once the Trust has completed the Changes and Updates, claim payments will be subject to the applicable Payment Percentage, Maximum Annual Payment, Maximum Available Payment and Claims Payment Ratio.
- The Payment Percentage does not apply to Level I claims.
- The Maximum Annual Payment and Claims Payment Ratio may delay some payments.
- After all Changes and Updates have been completed, Trust Online will value allowed claims using the updated IR model, new Values, and revised Payment Percentage.

**INCREASED VALUES:** With the consent of the Trust Advisory Committee and the Legal Representative, the Trust will increase its Scheduled, Average, and Maximum Values to the following:

<b>Harbison-Walker</b>			
Disease	Scheduled	Average	Maximum
Mesothelioma (VIII)	\$136,500	\$182,000	\$610,000
Lung Cancer 1 (VII)	\$44,900	\$57,700	\$192,200
Lung Cancer 2 (VI)		\$19,200	\$64,000
Other Cancer (V)	\$24,000	\$29,000	\$96,500
Severe ASB (IV)	\$29,500	\$31,000	\$125,600
ASB/Pleural (III)	\$7,200		
ASB/Pleural (II)	\$3,800		
Other (I)	\$300		

<b>Non-Harbison-Walker</b>			
Disease	Scheduled	Average	Maximum
Mesothelioma (VIII)	\$57,200	\$76,400	\$256,000
Lung Cancer 1 (VII)	\$9,300	\$12,000	\$39,900
Lung Cancer 2 (VI)		\$4,000	\$13,300
Other Cancer (V)	\$8,000	\$9,800	\$32,700
Severe ASB (IV)	\$9,400	\$9,900	\$40,100
ASB/Pleural (III)	\$2,400		
ASB/Pleural (II)	\$1,100		
Other (I)	\$100		

**PAYMENT PERCENTAGE:** With the consent of the Trust Advisory Committee and the Legal Representative, the Trust will set the Payment Percentage at **52.5%**.

**NEW OFFERS AND SUPPLEMENTAL PAYMENTS:** With the Changes and Updates, the Trust plans to issue new settlement offers to claimants whose offers it withdrew and supplemental payments to claimants it paid. After the Trustees, Trust Advisory Committee, and Legal Representative agree on the process for making such new offers and supplemental payments, the Trust will post a notice on the website and send an email update to firms.

**CONTACT:** Questions regarding this Notice should be directed to the Trust staff at the email addresses below and not to the Delaware Claims Processing Facility or ARPC.

Marcellene Malouf  
 Executive Director  
[mmalouf@diiasbestostrust.org](mailto:mmalouf@diiasbestostrust.org)

Nancy Freeman  
 Director of Operations  
[nfreeman@diiasbestostrust.org](mailto:nfreeman@diiasbestostrust.org)