

DII Industries, LLC Asbestos PI Trust

TRUST UPDATE – October 29, 2009

This update supplements the October 20, 2009 Notice.

NEW OFFERS: All settlement offers were **withdrawn** at 5:00 p.m. EDT on Wednesday, October 28, 2009. **The Trust will NOT accept an executed release for a withdrawn offer.** Following these withdrawals, new settlement offers will be made starting on November 9, 2009 under the increased TDP Values, adjusted Payment Percentage, and updated IR model. The Trust must receive a signed release for the new offer before the claim will be processed for payment. New offers will be handled as follows:

1. **ER Claims with Withdrawn Offers** – New offers will be made at the new TDP Scheduled Value with the applicable Payment Percentage applied.
2. **IR Claims with Withdrawn Offers** – The Trust will re-value the claim using three different methodologies and then issue an offer for the highest of the three:
 - a. New value determined by the updated IR model, TDP Values and Payment Percentage;
 - b. The amount of the original, withdrawn offer plus an approximate 39% increase, depending on the disease level of the claim; or
 - c. New TDP Scheduled Value with the applicable Payment Percentage applied.

SUPPLEMENTAL PAYMENTS FOR PAID CLAIMS: The Trustees, Legal Representative and Trust Advisory Committee have agreed that claims paid prior to November 6, 2009 will receive a supplemental payment. No payment will be made until the Trust receives an executed acknowledgement letter from the firm. Supplemental payments will be made in the following manner:

1. **ER Paid Claims** – A beneficiary whose claim underwent Expedited Review will receive a supplemental payment equal to the applicable amended Scheduled Value multiplied by the adjusted Payment Percentage, less the amount of the payment the beneficiary received.
2. **IR Paid Claims** – A beneficiary whose claim underwent Individual Review will receive a supplemental payment equal to the product of the amount previously paid to such beneficiary and the applicable percentage in the chart below. Such percentages are equal to the increase in the applicable amended Average Value after the application of the adjusted Payment Percentage. If the amount of the supplemental payment is less than \$100, no supplemental payment will be made.

	HARBISON-WALKER	NON-HARBISON-WALKER
<u>DISEASE</u>	<u>PERCENTAGE INCREASE</u>	<u>PERCENTAGE INCREASE</u>
MESOTHELIOMA [LEVEL VIII]	39.7%	39.8%
LUNG CANCER 1 [LEVEL VII]	39.6%	40.0%
LUNG CANCER 2 [LEVEL VI]	40.0%	40.0%
OTHER CANCER [LEVEL V]	39.7%	39.1%
ASBESTOSIS [LEVEL IV]	40.3%	40.5%

CLAIMS WAITING VALUATION: After all changes and updates have been completed, Trust Online will begin to value allowed claims using the updated IR Model, at the new TDP Values and Payment Percentage.

REMINDERS

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

INCREASED TDP VALUES: With the consent of the Trust Advisory Committee and the Legal Representative, the Trust will amend the TDP values as follows:

Harbison-Walker			
Disease	Scheduled	Average	Maximum
Meso (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/Plu (III)	\$7,200		
ASB/Plu (II)	\$3,800		
Other (I)	\$300		

Non-Harbison-Walker			
Disease	Scheduled	Average	Maximum
Meso (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/Plu (III)	\$2,400		
ASB/Plu (II)	\$1,100		
Other (I)	\$100		

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

Marcellene Malouf
Executive Director
mmalouf@diasbestostrust.org

Nancy Freeman
Director of Operations
nfreeman@diasbestostrust.org