

# DII Industries, LLC Asbestos PI Trust

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## SUMMARY OUTLINE OF ADR PROCEDURES

### Important Notice

This summary is intended to provide basic information and key deadlines regarding ADR Procedures. It is not intended to set forth every requirement, deadline or potential cost to the claimant as set forth in such procedures, and the claimant should carefully review the ADR Procedures contained in the ADR packet for complete, detailed information.

#### I. **Compliance with ADR Time Deadlines**

1. ***It is the claimant's responsibility to comply with the ADR time deadlines.***
2. Unless a deadline is extended by agreement of the parties or for cause shown, a claimant's failure to comply with a deadline may result in the Asbestos PI Trust considering the claim to have been withdrawn by the claimant.
3. If the claimant fails to comply with a specified deadline without first obtaining an extension, the Asbestos PI Trust shall promptly send the claimant written notice of the failure to comply.
4. The claim will be withdrawn if the claimant does not take any action on the claim within **30 days** after receipt of the notice of the failure to comply.

#### II. **Initiation of ADR Procedures**

1. To initiate ADR Procedures, the claimant must make a written request to the Asbestos PI Trust.
2. Within **20 days** of a claimant's request for ADR, the Asbestos PI Trust will send the claimant an ADR packet.

#### III. **ADR Proceedings Summary**

1. Within **90 days** of receipt of the ADR packet, the claimant must select one of the following ADR options:
  - a. Pro Bono Evaluation; or
  - b. Mediation.

## 2. Summary of Pro Bono Evaluation

- a. If the claimant elects Pro Bono Evaluation, the claimant must complete and sign the Election Form for Pro Bono Evaluation and an Affidavit of Completeness and return them to the Asbestos PI Trust within **90 days** of receipt of the ADR packet.
- b. After receiving the signed election form and Affidavit of Completeness, the Asbestos PI Trust shall review and sign the election form within **5 business days** of receipt and forward to the Private Adjudication Coordinator (the "PAC").
- c. Within **15 days** of the date the PAC receives the election agreement, the PAC will randomly select a pro bono evaluator from an approved panel of evaluators.
- d. Within **15 days** from the date the Asbestos PI Trust sends notice of consent to the election form, the Asbestos PI Trust shall send certain relevant documents to the PAC and simultaneously send notice to the claimant that such documents were forwarded to the PAC.
- e. Within **15 days** after the Asbestos PI Trust sends documents to the PAC, each side shall simultaneously exchange and submit written arguments to the PAC, which will be forwarded to the pro bono evaluator. ***If a party fails to comply with this deadline***, the party waives written argument, and the pro bono evaluator shall disregard any argument received after that time.
- f. Within **15 days** after complete document submissions, the evaluator will make a written evaluation and send to the PAC for distribution to the parties.
- g. Within **15 days** after receipt of the pro bono evaluator's written evaluation, the parties will each communicate in writing to the PAC whether they will accept the amount of the pro bono evaluator's recommended resolution or settlement.
- h. If either or both of the parties reject the recommendation based upon the written evaluation, then the PAC will send notice within **5 days** to the parties.
- i. Within **60 days** of receipt of the PAC's notice of rejection of the recommendation, the claimant may submit an Election Form and Agreement for Binding or Non-binding Arbitration.

## 3. Summary of Mediation

- a. If the claimant elects Mediation, the claimant must complete and sign the Request for Mediation Form and an Affidavit of Completeness and return to the Asbestos PI Trust within **90 days** of receipt of the ADR packet.

- b. After receiving the signed request form and Affidavit of Completeness, the Asbestos PI Trust shall review and sign the election form within **5 business days** of receipt and forward to the PAC.
  - c. Within **15 days** after receiving the signed request form, the PAC shall select a mediator, based upon location of claimant, from an approved list of qualified regional mediators.
  - d. The PAC shall schedule a mediation conference within **60 days** after receipt of the request for mediation.
  - e. At least **5 business days** before the mediation conference, the parties shall each submit detailed mediation statements and certain other documents to the PAC who will forward to the mediator.
  - f. At the conclusion of the mediation, the parties shall exchange their written settlement offers that shall remain open for **10 days**.
  - g. Within **60 days** after the written settlement offers have expired, the claimant may submit an Election Form and Agreement for Binding or Non-binding Arbitration.
4. Summary of Non-Binding and Binding Arbitration
- a. Within **5 business days** of receipt of the signed Election Form and Agreement for Binding or Non-binding Arbitration, the Asbestos PI Trust shall sign the Agreement and send to the PAC.
  - b. No later than **15 days** after receipt of the signed Agreement, the PAC shall select three potential arbitrators from a rotating list kept by the PAC. As soon as the PAC has notified the arbitrators and determined their availability, the PAC shall notify the parties of the potential arbitrators.
  - c. Within **7 days** of receipt of the list of potential arbitrators, the Asbestos PI Trust may then strike one potential arbitrator by notifying the PAC. The PAC will then notify the claimant of the strike.
  - d. Within **7 days** of receipt of the Asbestos PI Trust's strike notification, the claimant may strike a second potential arbitrator by notifying the PAC.
  - e. The PAC shall then notify the parties of the remaining arbitrator who will conduct the arbitration.
  - f. Within **20 days** of the appointment of an arbitrator, each party shall submit to the opposing party and to the arbitrator a written statement containing that party's positions and arguments.
  - g. Within **15 days** of receipt of the parties' position statements, the PAC shall schedule the initial prehearing conference.

- h. Each party may then submit a supplement to its position paper within **10 days** after the date of the prehearing conference.
- i. The arbitration hearing should be scheduled not less than **45 days**, and not more than **60 days** from the date of the initial prehearing conference.
- j. The arbitrator shall complete the hearing in one day except for good cause shown.
- k. The arbitrator, for good cause, may postpone any hearing upon the request of a party or upon the arbitrator's own initiative, and shall also grant such postponement when all of the parties agree.
- l. If the arbitrator so orders, the parties may submit post-hearing statements no later than **10 days** after the hearing is closed.
- m. The arbitrator shall issue a decision no later than **15 days** after the date the hearing is closed or submission of post-hearing statements, whichever is later.
- n. A party to a non-binding arbitration may reject the award by notifying the other party of such rejection within **30 days** from the date the non-binding award is issued.
- o. If no timely rejection is made, the non-binding award will stand as if agreed to by the parties.
- p. If claimant has timely rejected the non-binding award and wishes to further pursue the claim, claimant must notify the Asbestos PI Trust in writing within **60 days** from the date the non-binding award is issued.
- q. If claimant sends proper notice of its intent to further pursue the claim, the Asbestos PI Trust will send the claimant an authorization to commence litigation with **15 days** of receipt of the notice.
- r. If the Asbestos PI Trust rejects the non-binding arbitration award, the claimant may elect binding arbitration or request authorization to commence litigation.