

February 28, 2022

VIA ELECTRONIC AND CERTIFIED U.S. MAIL

Mr. Michael Mandelbrot  
MANDELBROT LAW FIRM  
1223 Grant Ave. Suite C  
Novato, CA 94945

RE: The Shook & Fletcher Asbestos Settlement Trust (the "Trust")

Dear Mr. Michael Mandelbrot,

This letter is being sent to you by the Trust listed above, which has directed us to inform you that the claim(s) identified on the enclosed list have been randomly selected for audit pursuant to the Trust's Supplemental External Claims Audit Procedures. The purpose of the audit is to determine whether the totality of the evidence of each sampled claimant's medical condition and exposure is sufficient to confirm the Trust's decision to pay the claim based on the proof of claim submission. The audit will focus on medical and exposure evidence that may not have been provided to the Trust in its normal course of claims review. Note that some exposure evidence may be required of third parties.

The claim(s) on the enclosed list will be placed on administrative hold until the audit is completed. No further processing of the claim(s) will be done, nor will any payments be made, until after consideration of the outcome of the audit. If your firm does not respond to the requests set forth below or request an extension of time to respond within 90 days of the date of this letter, the claim(s) will be considered deficient.

Please note that some of the evidence requested below exceeds what might typically be required for approval of a Trust claim. Your firm is responsible for obtaining such evidence and providing it to the Shook & Fletcher Trust Audit Team. However, in the case of evidence held by third parties, such as x-ray films, pathology samples, or Social Security earnings records, the claimant may authorize the Shook & Fletcher Trust Audit Team to procure those materials directly from the third party. Your firm will be asked to provide any necessary assistance in the coordination of obtaining those materials instead of providing them to the Shook & Fletcher Trust Audit Team.

Each claimant on the enclosed list is identified by partial Social Security number and by claim number. If you cannot identify any individual(s) on the list, please let us know.

Should your firm choose to withdraw any of the claims on the enclosed list from MFR, a specific reason for the withdrawal must be provided. The Shook & Fletcher Trust Audit Team may randomly select new claims for the audit.

**Medical Documentation.** The Supplemental External Claims Audit Procedures protocol requires the submission of specific medical materials. The requested materials should support the allegations of asbestos-related disease made in the claim form for each of the claimants listed in the attachment. The information required by the Trust for review by the Shook & Fletcher Audit Team is listed below.



Disease Level	Medical Evidence Required by the Shook & Fletcher Trust Audit Team
Mesothelioma	<ul style="list-style-type: none"> <li>• Pathology slides and associated diagnostic or interpretive reports</li> <li>• Copies of death certificates or autopsy reports, if applicable</li> </ul>
Lung Cancer	<ul style="list-style-type: none"> <li>• Pathology slides and associated diagnostic or interpretive reports</li> <li>• Diagnostic imaging (<b>actual</b> x-ray films or CT scans<sup>1</sup>) of the claimant/injured party's lungs supporting the diagnosis of an asbestos-related injury and associated diagnostic or interpretive reports</li> <li>• Copies of death certificates or autopsy reports, if applicable</li> </ul>
Other Cancer	<ul style="list-style-type: none"> <li>• Pathology slides and associated diagnostic or interpretive reports</li> <li>• Diagnostic imaging (<b>actual</b> x-ray films or CT scans<sup>1</sup>) of the claimant/injured party's lungs supporting the diagnosis of an asbestos-related injury and associated diagnostic or interpretive reports</li> <li>• Copies of death certificates or autopsy reports, if applicable</li> </ul>
Non-Malignant Asbestos-Related Disease	<ul style="list-style-type: none"> <li>• Diagnostic imaging (<b>actual</b> x-ray films or CT scans<sup>1</sup>) of the claimant/injured party's lungs supporting the diagnosis of an asbestos-related injury and associated diagnostic or interpretive reports</li> <li>• Pathology slides and associated diagnostic or interpretive reports, if applicable</li> <li>• Copies of death certificates or autopsy reports, if applicable</li> </ul>

If your firm is not in possession of requested x-rays and/or pathological slides, please contact the appropriate hospital, medical facility, or physician to have the materials sent to the Shook & Fletcher Trust Audit Team at the address noted at the end of this letter. The Shook & Fletcher Trust Audit Team will reimburse your firm for the cost of the initial request for x-rays and/or pathological slides. Please send all quotes and copies of requests for review and approval prior to finalizing the request and issuing payment. Reimbursement will not be issued for quotes not pre-approved by the Shook & Fletcher Trust Audit Team.

If the required diagnostic imaging or pathological slides are unavailable, written evidence of the non-availability of the materials may suffice. Your firm may also opt to provide an executed medical authorization allowing the Shook & Fletcher Trust Audit Team to procure the materials directly.

**Exposure Documentation.** The Supplemental External Claims Audit Procedures protocol requires submission of relevant claimant exposure records, including affidavits, depositions, interrogatories, and other litigation or discovery materials. The general rule is that, for audit purposes, the information must be court-filed or generated by an independent third party.

If your firm can provide third party evidence to support the claimant's exposure allegation(s) as set forth in the claim form, the claim can successfully pass the exposure portion of the audit. The Shook & Fletcher Trust Audit Team can assist your firm in obtaining such records. If the materials are deemed unavailable, the claim will receive a score of "Incomplete" for the exposure portion of the audit.

**The absence of third-party proof of exposure at the site(s) will not, in and of itself, prevent the claim from being paid at the end of the audit.** Absent a finding of misrepresentation (e.g., implausible diagnosis or irreconcilable conflicts among exposure locations) or potential fraud, the Trust will pay the claim(s).

---

<sup>1</sup> CT scans must be submitted to allow for the evaluation of the pulmonary parenchyma and pleural surfaces.



Examples of third-party documentation that can be used to support the claimed exposure(s) include the following:

1. Depositions and/or interrogatories of co-workers addressing occupational and work history related to all asbestos exposure during the entire time period of the claimant's allegations, as set forth in the claim form.
2. Affidavits of co-workers to support the claim of asbestos exposure. The Shook & Fletcher Trust Audit Team can provide sample co-worker affidavits that can be used to support your claim(s) upon request.
3. Social Security records, union records, retirement records, military records, or other employment records that support the claimant's allegation that he/she was present at an alleged site and thus exposed to the Trust's asbestos products during the entire time period of the claimant's allegations, as set forth in the claim form.
4. Specifically, for a claimant's allegations of exposure to Shook & Fletcher product at a site that is not on the Trust's Approved Site List (also known as proof of "Product ID"), co-worker or other relevant third-party affidavits that indicate the original defendant's asbestos products were present at the site.

**Should your firm choose to obtain Social Security earnings records for your submission, we recommend submitting your request to the Social Security Administration as soon as possible.** It often takes several months to process these requests. The Shook & Fletcher Trust Audit Team is available to assist you in this process. Please ensure the claimant executes the most up-to-date Social Security Earnings request form (Form SSA-7050), which your firm can retrieve directly from the Social Security Administration website.

**Claimant Identification.** The Audit protocol requires submission of adequate proof of identification for the claimant or injured party (or if deceased, the personal representative). Preferred identification documents include government-issued photo identifications, such as a driver's license, passport, or military identification. Social Security cards, military or medical records that have an appropriate identifier (i.e., full Social Security number) are also acceptable. Information not relevant to the audit may be redacted.

The materials listed above should be sent to the Shook & Fletcher Trust Audit Team in care of Ankura, who has been designated by the Trust to administer the audit. Electronic submission of documents is preferred. Please send electronic submissions to [AuditTeam@Ankura.com](mailto:AuditTeam@Ankura.com). For physical submissions of materials, please include a cover letter listing the contents of your shipment and direct the letter to the Shook & Fletcher Trust Audit Team at the address listed below.

#### **Point of Contact for Submissions**

Shook & Fletcher Trust Audit Team  
c/o Ankura  
2000 K Street, NW, 12<sup>th</sup> Floor  
Washington, DC 20006  
Toll-Free: 855-737-1594

After the audit is complete, all radiology films and pathology slides will be returned. The Shook & Fletcher Trust Audit Team may keep digital images of the radiology and select tissue samples, so that there is a precise record of the materials that have been reviewed. Please contact the Shook & Fletcher Trust Audit Team if you would like to discuss this audit request.

Very truly yours,  
Shook & Fletcher Trust Audit Team

Law Firm: MANDELBROT LAW FIRM

Injured Party ID #	Trust	Name	SSN	Disease Level
1000139502	Shook & Fletcher	GOLDEN, JR., HOMER	XXX-XX-4454	OTHER CANCER
1000139613	Shook & Fletcher	HALK, GEORGE	XXX-XX-2662	OTHER CANCER
1000139449	Shook & Fletcher	LEWIS, WILLIAM	XXX-XX-0582	NON MALIGNANT
1000138568	Shook & Fletcher	LIVELY, MITCHELL	XXX-XX-8828	NON MALIGNANT