

NOTICE OF CIVIL INVESTIGATIVE DEMAND FROM DEPARTMENT OF JUSTICE

1. The ASARCO Asbestos Personal Injury Settlement Trust (“**Trust**”) has received the attached Civil Investigative Demand (“**CID**”) served by the Department of Justice (“**DOJ**”) seeking information about certain Trust asbestos claimants (“**Claimants**”). Other trusts have received similar CIDs, so you may receive similar notices of CIDs from other trusts.
2. The Trust has negotiated with the DOJ to narrow the scope of the CID. Specifically, the Trust and the DOJ have agreed to the protocol described below (“**Protocol**”), which will (i) reduce the number of Claimants deemed to be within the scope of the CID, and (ii) limit the information the Trust discloses in response to the CID.

BASED ON APPLICATION OF THE BELOW PROTOCOL, THE TRUST HAS DETERMINED THAT THE CLAIMANTS OF YOUR FIRM ON THE ATTACHED LIST MAY BE AFFECTED BY THIS CID AND MAY HAVE THEIR INFORMATION PRODUCED BY THE TRUST TO THE DOJ PURSUANT TO THE CID.

ANY CLAIMANT WHO SEEKS TO OBJECT TO ANY ASPECT OF THE CID, THE BELOW PROTOCOL, OR THE PRODUCTION OF THEIR INFORMATION BY THE TRUST TO THE DOJ PURSUANT TO THE CID, MUST OBTAIN APPROPRIATE RELIEF IN A COURT OF COMPETENT JURISDICTION, WITH NOTICE TO THE TRUST, *BEFORE* THE DATE ON WHICH THE CLAIMANT INFORMATION IS TO BE PRODUCED PURSUANT TO THIS PROTOCOL, WHICH DATE OF PRODUCTION IS CURRENTLY APRIL 19, 2019.

3. Only Claimants who meet all of the criteria set forth in items “a” through “e” below will be deemed to be within the scope of the CID (“**Included Claimants**”) so that their information is subject to production under the CID:
 - a. The Claimant reached an agreement with the Trust to resolve the Claimant’s claim related to asbestos exposure in whole or in part in exchange for payment(s) by the Trust; AND
 - b. The Claimant’s last exposure to asbestos, according to the Trust’s information, occurred on or after December 5, 1980, OR the Trust’s database does not indicate the date of Claimant’s last exposure; AND

- c. The Trust made the *initial* settlement payment to the Claimant on or after January 1, 2009, OR the Claimant received any payment from the Trust on or after January 1, 2009 for any reason other than an increase in the Trust's Payment Percentage; AND
 - d. The Claimant is a Medicare Beneficiary as defined in paragraph 4 below; AND
 - e. The Claimant is *not* a Global Settlement Program Participant as defined in paragraph 5 below.
4. A “**Medicare Beneficiary**” is defined as any Claimant falling within 3(a), (b), and (c) above who has an entitlement to benefits from Medicare, as determined by the Trust on or before April 19, 2019, using the Center for Medicare and Medicaid Services’ (“**CMS**”) Medicare Secondary Payer Systems Contractor (“**Contractor**”), which is the contractor that regularly receives such information for CMS from reporting Trusts. **For this determination, the Trust will provide the Contractor with the Claimant’s name, date of birth, social security number and gender.** Any information the Trust provides to and receives from the Contractor for this purpose will be subject to an agreement between the Trust and the Contractor.
5. A “**Global Settlement Program Participant**” is any Medicare Beneficiary (as defined above) who received payment from the Trust for non-malignant Disease Levels 1, 2, or 3, as defined in the Trust Distribution Procedures, and who has finally resolved any obligation as of September 12, 2018, to reimburse Medicare through the non-malignant Global Settlement Program administered by Garretson Resolution Group (“**Garretson**”). **The Trust will determine whether a Claimant is a Global Settlement Program Participant by providing Garretson with the name, date of birth, and social security number of any Medicare Beneficiary who received payment from the Trust for non-malignant Disease Levels 1, 2 and 3.** Garretson will, in turn, provide the Trust with a report indicating which of those Medicare Beneficiaries have finally resolved, as of September 12, 2018, any Medicare reimbursement obligation for benefits received for medical treatment for non-malignant Disease Levels 1, 2, and 3.

NOTE: A Medicare Beneficiary who received payment from the Trust for non-malignant disease level 4 or any malignant disease level is NOT a Global Settlement Program Participant for purposes of this CID response protocol and will NOT be excluded from the production to the DOJ of the data sought in the CID. A Medicare Beneficiary of any disease level who resolved any obligation to reimburse Medicare through any program other than the non-malignancy program administered by Garretson is NOT a Global Settlement Program Participant for purposes of this CID response protocol and will NOT be excluded from the production to the DOJ of the data sought in the CID.

6. THE TRUST WILL DISCLOSE THE FOLLOWING INFORMATION PURSUANT TO THIS PROTOCOL IN RESPONSE TO THE CID:

- For each Included Claimant on the attached list, the Trust will answer the CID Interrogatory, including all subparts that are not excluded by later mutual agreement between the DOJ and the Trust, to the extent the Trust has such information.
- For each Global Settlement Program Participant on the attached list, whose claims data will be excluded from production under the CID to the DOJ, the Trust will nevertheless disclose to the DOJ such Global Settlement Program Participant's name, social security number, attorney, and law firm.
- The Trust will attempt to enter into separate agreements with the Contractor and Garretson to have each of those parties agree to keep any shared claimant information confidential, but no assurance can be given as to whether or to what extent those parties will agree to any such confidentiality terms, and the information produced under the CID could be subject to further production by the DOJ.
- Information will be disclosed pursuant to this Protocol beginning on or about April 19, 2019 to the Contractor and thereafter to Garretson and DOJ, unless that date is extended.

7. ANY CLAIMANT WHO SEEKS TO OBJECT TO ANY ASPECT OF THE CID, THE FOREGOING PROTOCOL OR THE PRODUCTION OF THEIR INFORMATION TO THE DOJ PURSUANT TO THE CID, MUST OBTAIN APPROPRIATE RELIEF IN A COURT OF COMPETENT JURISDICTION, WITH NOTICE TO THE TRUST, *BEFORE* THE DATE ON WHICH THE CLAIMANT INFORMATION IS TO BE PRODUCED PURSUANT TO THIS PROTOCOL, WHICH DATE OF PRODUCTION IS CURRENTLY APRIL 19, 2019.