

**Owens-Illinois
Asbestos Personal Injury Trust**

Instructions for Filing Direct Asbestos Claims

The Owens-Illinois Asbestos Personal Injury Trust (“the Trust”) has been established under Chapter 11 of the Bankruptcy Code to resolve all Asbestos Claims as defined in the First Amended Plan of Reorganization For Paddock Enterprises, LLC, dated February 14, 2022 [Docket No.1204] (as it may be amended or supplemented, the “Plan”), and to use the Trust Assets and income to pay the holders of all Trust Claims in accordance with the Trust Agreement and the Trust Distribution Procedures (the “TDP”) in such a way that the holders of Trust Claims are treated fairly, equitably and reasonably in light of the limited assets available to satisfy such claims, and to otherwise comply in all respects with the requirements of a trust set forth in Section 524(g)(2)(B) of the Bankruptcy Code.

The Trust is commencing its operations and will begin receiving and processing claims on Monday, October 3, 2022 at 10:00 AM EST. The materials necessary to file a claim with the Trust, including Claim Forms and the TDP, are available on the Trust’s website (www.oiasbestospersonalinjurytrust.com), and may be downloaded at any time.

These instructions are intended to summarize certain significant issues related to filing a personal injury claim with the Trust. ***Nothing in these instructions is intended to replace or modify the requirements of the TDP. All claimants are encouraged to read thoroughly and understand the TDP¹ before filing a claim with the Trust.***

The Trust uses the terms “Injured Party” and “claimant” as interchangeable. The claim should be filed in the name of the Injured Party whose asbestos injury is the basis of the claim.

Ordering of Claims:

Pursuant to Section 5.1(a)(1) of the TDP, claims that are sufficiently complete to be reviewed for processing purposes will be ordered on a first-in-first-out (FIFO) basis except as otherwise provided herein. The claimant’s position in the FIFO Processing Queue shall be determined by the date the claim is filed with the Asbestos Trust. If any claims are filed on the same date, the claimant’s position in the FIFO Processing Queue will be determined by the date of the diagnosis of the asbestos-related disease, with claimants with earlier diagnosis dates given priority over later diagnosed claims. If any claims are filed and diagnosed on the same date, the claimant’s position in the FIFO Processing Queue will be determined by the claimant’s date of birth, with older claimants given priority over younger claimants.

Expedited Review (ER) Claims:

Pursuant to Section 5.3(a) of the TDP, a claimant may elect to submit a claim for Expedited Review (ER). The ER process is designed primarily to provide an

¹ The TDP may be accessed through the Trust’s website at www.oiasbestospersonalinjurytrust.com.

expeditious, efficient and inexpensive method for liquidating all asbestos claims, and intended for claims that can be easily verified by the Trust as meeting the presumptive Medical/Exposure criteria for the relevant Disease Level. ER will provide qualifying claimants a fixed claims payment subject to the Payment Percentage (see Scheduled Values below). ER is not available for Lung Cancer 2 or Foreign Claims.

Individual Review (IR) Claims:

Pursuant to Section 5.3(b) of the TDP, a claimant may elect to submit a claim for Individual Review (IR) for Disease Levels IV, V, VI, VII, and VIII, and to determine whether the liquidated value exceeds the Scheduled Value. Additionally, claims involving Disease Levels I–V, VII and VIII that do not meet the presumptive Medical/Exposure Criteria for the relevant Disease Level may undergo IR. The liquidated value of any Trust claim that undergoes IR may be determined to be less than the claimant would have received under ER. The IR process may have a longer waiting period for payment than would have been the case had the claimant elected the ER process. IR is not available for Disease Level I, II, or III. Claimants asserting a secondary exposure claim may seek either ER or IR.

Settlement Offers:

Valid ER claims will be paid the following Scheduled Values, multiplied by the Payment Percentage that is effective at the time of liquidation. Disease Level I claims are not subject to the Payment Percentage.

Disease Level	Scheduled Disease	Scheduled Value
VIII	Mesothelioma	\$100,000
VII	Lung Cancer 1	\$25,000
VI	Lung Cancer 2	None
V	Other Cancer	\$10,800
IV	Severe Asbestosis	\$28,200
III	Asbestosis/Pleural Disease Level III	\$5,900
II	Asbestosis/Pleural Disease Level II	\$2,900
I	Other Asbestos Disease (Cash Discounted Payment)	\$400

The Payment Percentage has been set at 65%.

Proof Required to Qualify for Payment:

To qualify for payment, a claimant must provide credible medical and exposure evidence and a submission deemed to be complete by the Trust.

Criteria for Qualification:

The medical and exposure criteria that a claim must meet to receive an offer for the Scheduled Value are as follows:

Level VIII: Mesothelioma

1. Diagnosis of mesothelioma; and
2. Credible evidence of exposure prior to December 31, 1958 to asbestos or asbestos-containing products for which Debtor has legal responsibility.

Level VII: Lung Cancer 1

1. Diagnosis of a primary lung cancer plus evidence of an underlying Bilateral Asbestos-Related Nonmalignant Disease as defined in Footnote 7 of the TDP;
2. Supporting medical documentation establishing asbestos exposure as a contributing factor in causing the lung cancer in question;
3. Six months of Debtor Exposure prior to December 31, 1958; and
4. Five years of Significant Occupational Exposure to asbestos.

Level VI: Lung Cancer 2

1. Diagnosis of a primary lung cancer;
2. Supporting medical documentation establishing asbestos exposure as a contributing factor in causing the lung cancer in question; and
3. Credible evidence of exposure prior to December 31, 1958 to asbestos or asbestos products for which Debtor has legal responsibility.

Lung Cancer 2 (Level VI) claims are those that do not meet the more stringent medical and/or exposure requirements of Lung Cancer 1 (Level VII) claims. All claims in this Disease Level shall undergo IR. The estimated likely average of the individual evaluation awards for this category is \$29,400 with awards capped at \$53,000 unless the claim qualifies for Extraordinary Claim treatment. All payments for Level VI claims are subject to the applicable Payment Percentage.

Level VI claims that show no evidence of either an underlying Bilateral Asbestos-Related Nonmalignant Disease or Significant Occupational Exposure may be individually evaluated, although it is not expected that such claims shall be treated as having any significant value, especially if the claimant is also a smoker. In any event, no presumption of validity shall be available for any claims in this category.

Level V: Other Cancer

1. Diagnosis of a primary colo-rectal, laryngeal, esophageal, pharyngeal, or stomach cancer, plus evidence of an underlying Bilateral Asbestos-Related Nonmalignant Disease;
2. Supporting medical documentation establishing asbestos exposure as a contributing factor in causing the other cancer in question.
3. Six months Debtor Exposure prior to December 31, 1958; and
4. Five years of Significant Occupational Exposure to asbestos.

Level IV: Severe Asbestosis

1. Either (1) a diagnosis of asbestosis with ILO of 2/1 or greater, or asbestosis determined by pathological evidence of asbestosis, plus (a) TLC less than 65%, or (b) FVC less than 65% and FEV1/FVC ratio greater than 65%, (2) an “Asbestosis Death,” which is defined to mean a death where (a) asbestosis is listed as the cause or a significant contributing cause of death on the death certificate or (b) a report from a Qualified Physician who is a pathologist, a pulmonologist or an occupational medicine physician states that asbestosis was a significant or contributing cause of death, or (3) a diagnosis of asbestosis with ILO of 2/1 or greater, or asbestosis determined by pathological evidence of asbestosis, plus (a) a Qualified Physician who is a pulmonologist or an occupational medicine physician prescribes oxygen to the Injured Party, (b) the treating Qualified Physician states that the predominant cause of the need for oxygen is asbestosis, and (c) the oxygen is needed by the Injured Party to perform activities of daily life (e.g., not oxygen that is prescribed only for comfort care, at night, for surgery, or on occasion). Supporting medical documentation establishing asbestos exposure as a contributing factor in causing the pulmonary disease in question;
2. Supporting medical documentation establishing asbestos exposure as a contributing factor in causing the pulmonary disease in question;
3. Six months Debtor Exposure prior to December 31, 1958; and
4. Five years of Significant Occupational Exposure to asbestos.

Level III: Asbestosis/Pleural Disease

1. Diagnosis of Bilateral Asbestos-Related Nonmalignant Disease, plus (a) TLC less than 80%, or (b) FVC less than 80% and FEV1/FVC ratio greater than or equal to 65%;
2. Supporting medical documentation establishing asbestos exposure as a contributing factor in causing the pulmonary disease in question;
3. Six months Debtor Exposure prior to December 31, 1958; and
4. Five years of Significant Occupational Exposure to asbestos.

Level II: Asbestosis/Pleural Disease

1. Diagnosis of a Bilateral Asbestos-Related Nonmalignant Disease;
2. Six months Debtor Exposure prior to December 31, 1958; and
3. Five years cumulative occupational exposure to asbestos.

Level I: Other Asbestos Disease (Cash Discount Payment)

1. Diagnosis of Bilateral Asbestos-Related Nonmalignant Disease or an asbestos-related malignancy other than mesothelioma; and
2. Credible evidence of exposure prior to December 31, 1958 to asbestos or asbestos products for which Debtor has legal responsibility.

Exposure Evidence Required to Establish an Asbestos-Related Disease:

Exposure to Owens Illinois Products and Significant Occupational Exposure:

To qualify for any Disease Level, the claimant must demonstrate: (1) meaningful and credible exposure, which occurred on or prior to December 31, 1958, to asbestos or asbestos-containing products for which the Debtor has legal responsibility; and (2) for certain disease levels, a claimant must demonstrate Significant Occupational Exposure (“SOE”) to asbestos products.

Exposure to O-I Asbestos Products:

A claimant must demonstrate meaningful and credible exposure, which occurred prior to December 31, 1958, to asbestos or asbestos-containing products for which the Debtor has legal responsibility.

Questions 1 through 4 in Part 3 of the Claim Form ask about the sites where the claimant was exposed to asbestos products. In response to these questions, a claimant must list the sites where he/she was exposed to asbestos products to prove both (1) exposure to O-I asbestos products, and (2) SOE, if applicable.

There are two ways to demonstrate that O-I asbestos products were at a work site:

1. The claimant worked at a site which is listed on the approved O-I site list found on the website at www.oiasbestospersonalinjurytrust.com; or
2. The claimant can establish, through affidavit, invoices, deposition testimony, or other means as described below in “Sufficiency of Evidence” that O-I’s asbestos products were used at a particular work site. A certification of counsel alone is not sufficient to establish O-I product at a particular site.

Significant Occupational Exposure:

1. As noted above, questions 1 through 4 in Part 3 of the Claim Form seek information regarding SOE, as well as exposure to O-I asbestos products. SOE means exposure for at least five (5) years, with a minimum of two (2) years prior to December 31, 1982 in an industry and an occupation in which the claimant (a) handled raw asbestos fibers on a regular basis; (b) fabricated asbestos-containing products so that the claimant in the fabrication process was exposed on a regular basis to raw asbestos fibers; (c) altered, repaired or otherwise worked with an asbestos-containing products such that the claimant was exposed on a regular basis to asbestos fibers; or (d) was employed in an industry and occupation such that the claimant worked on a regular basis in close proximity to workers engaged in the activities described in (a), (b) and/or(c) above.

If a claimant worked in an occupation/industry listed on the SOE Occupations Rating list, found on the website at www.oiasbestospersonalinjurytrust.com, for at least five years, and if any box other than “None of the above” is checked in POC Part 3 question 5, no further evidence of SOE is required. If the claimant’s occupation/industry is not set forth on the Presumptive SOE Occupations Rating list, or if the box labeled “None of the above” is checked in POC question 5, then evidence of the claimant’s SOE must be submitted. Evidence of SOE can be demonstrated by certification of counsel or as set forth below under “Sufficiency of Evidence.”

Sufficiency of Evidence:

Where a claimant must demonstrate that O-I asbestos products were at a site/plant, or where a claimant seeks to demonstrate SOE or company exposure other than by certification of counsel, such evidence may be established by:

- An affidavit or sworn statement of the injured party
- An affidavit or sworn statement of a co-worker
- Invoices
- Construction or similar records
- Sworn statement, interrogatory answers, sworn work history, or deposition/trial testimony
- Other reliable evidence

A claimant must demonstrate SOE to qualify for Disease Levels III, IV, V and VII.

Medical Evidence Required to Establish an Asbestos-Related Disease:

All diagnoses of a Disease Level shall be accompanied by either:

- i. A statement by the physician providing the diagnosis that at least ten years have elapsed between the date of first exposure to asbestos or asbestos-containing products and the diagnosis, or
- ii. A history of the claimant’s exposure sufficient to establish a ten-year latency period.

A finding by a physician after the Effective Date that a claimant's disease is "consistent with" or "compatible with" asbestosis shall not alone be treated by the Trust as a diagnosis.

For Disease Levels I-IV– All diagnoses of nonmalignant asbestos-related disease (Disease Levels I-IV) shall be based in the case of a claimant who was living at the time the claim was filed, upon a physical examination of the claimant by the physician providing the diagnosis of the asbestos-related disease or by a pathology report.

For Disease Levels V-VIII – All diagnoses of asbestos-related malignant disease shall be based upon either (1) a physical examination of the claimant by the physician providing the diagnosis of the asbestos-related disease, or (2) a diagnosis of such malignant Disease Level by a board-certified pathologist.

In the case of a claimant who was deceased at the time the claim was filed, all diagnoses of a nonmalignant asbestos-related disease (Levels I-IV) shall be based upon either:

- i. A physical examination of the claimant by the physician providing the diagnosis of the asbestos-related disease, or
- ii. Pathological evidence of the nonmalignant asbestos-related disease, or
- iii. In the case of Disease Levels I-III, evidence of Bilateral Asbestos-Related Nonmalignant Disease and for Disease Level IV, either an ILO reading of 2/1 or greater, pathological evidence of asbestosis, or the medical documentation required for an "Asbestosis Death" as set forth in TDP Section 5.3(a)(3), and
- iv. For either Disease Level III or IV, pulmonary function testing.

For a detailed description of the medical evidence requirements by Disease Level, see TDP Section 5.7(a). You should review this section of the TDP before filing a claim.

Releases:

A claimant accepting an offer must execute a full release for all malignancy payments, or a limited release for non-malignancy payments. Any claimant who receives a payment for a nonmalignant injury may file a new *personal injury claim* for an asbestos-related malignancy that is *subsequently* diagnosed. Any additional payments to which such claimant may be entitled with respect to such malignant asbestos-related disease shall be reduced by the amount paid for the nonmalignant asbestos-related disease. The holder of an Asbestos Claim involving a Disease Level I, II or III claim may assert a new Asbestos Claim against the Asbestos Trust for a Disease Level IV claim that is subsequently diagnosed. Any additional payments to which such claimant may be entitled with respect to such subsequent claim shall be reduced by the amount paid for the prior claim.

How to Initiate a Claim:

If a claimant elects to file a claim, he or she must file a complete Claim Form and submit all supporting documentation indicated.

Claims can be filed electronically using the Trust Online system. To do so, download and complete the E-Filer Agreement (EFA) from the Trust website (www.oiasbestospersonalinjurytrust.com). Once that agreement is executed, a Trust Online user ID and password will be provided to login to the system. Trust Online supports the ability to enter new claims, edit existing claims, cure deficiencies on existing claims, upload and view supporting documents and run a variety of reports on filed claims. These features are designed to simplify and expedite the claim filing process while saving time and money for all parties. Claimants and counsel are encouraged to use these online filing features.

Claims can be filed in bulk using the Trust Online Bulk Upload Tool or using web services. These tools support the submission of multiple claims quickly and efficiently. For law firms that have claimant data already in electronic form, either tool can be used to send that data to the Trust without having to retype it into Trust Online or submit paper claims. These tools also support the submission of supporting document images along with the claim records. Contact the Trust for detailed instructions on how to use the Bulk Upload Tool or web services at (866) 665-5790.

Finally, It is possible that claim data previously submitted to the Delaware Claims Processing Facility for another trust can be used to expedite the preparation and review of claims for the Trust. Doing so will reduce the work necessary to file a claim and minimize the time it takes to review the claim. Please visit the Trust's website www.oiasbestospersonalinjurytrust.com for information on the use of this data.

Where to Submit Claim Forms:

Electronic claim submissions, including document images, can be filed directly through the Trust Online system. There is no need to submit paper claims for Trust Online submissions.

However, if paper claims and documents need to be sent to the Trust, they should be addressed to:

The Owens-Illinois Asbestos Personal Injury Trust
P.O. Box 1189
Wilmington, DE 19899

Statute of limitations on filing a claim:

To be eligible for processing, a claim must:

- i. Have been timely filed in the tort system against O-I prior to January 6, 2020 (the “Petition Date”). If filed in the tort system prior to the Petition Date, the claimant must submit, in response to Part 5 of the POC - Litigation Claims History of the POC (1) the cover sheet and portions of the complaint that provide the docket number, date of filing, and show that O-I was named as a defendant, (2) proof of service of the complaint on the necessary party, and (3) proof that the case has not been dismissed; or
- ii. If the claim was not filed against O-I in the tort system prior to the Petition Date, it must comply with the applicable federal, state or foreign statute of limitations that was in effect at the time of the filing with the Trust. However, the running of the relevant statute of limitations may be tolled by a number of factors (see TDP Section 5. 1(a)(2)).

Questions and Assistance:

If you have questions concerning these filing procedures or forms, you may reach the Trust in a variety of ways. You can reach the Claimant Relations Department at (800)708-8925 or at claimantrelations@delcpf.com.

The Trust’s website address is www.oiasbestospersonalinjurytrust.com. The Trust also offers convenient web-based and video training for all Trust Online users. In addition to a detailed user manual, there are videos explaining how to log on to Trust Online, submit a new O-I claim, convert an existing Trust claim to an O-I claim, how to link claims, and submit documents. To access these training tools, go to www.oiasbestospersonalinjurytrust.com and click on the Resources link. Simply download the desired information and view them at your convenience.

In addition to these resources, the Facility offers in-person training sessions. If you or your staff is interested in attending a training session, please contact Claimant Relations at claimantrelations@delcpf.com or at (800)708-8925.