

# ASBESTOS INDIRECT CLAIM FORM

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## BABCOCK & WILCOX ASBESTOS PERSONAL INJURY SETTLEMENT TRUST

Submit completed claims to:  
Babcock & Wilcox Asbestos Personal Injury Settlement Trust  
P.O. Box 8890  
Wilmington, DE 19899-8890

### Instructions for the Asbestos Indirect Claim Form

- For purposes of this form, the Indirect Claimant is the entity seeking contribution, indemnification, or other reimbursement from the Babcock & Wilcox Asbestos Personal Injury Settlement Trust (the "Trust"). The Direct Claimant is the person whose underlying personal injury or wrongful death case or claim gave rise to the Indirect Claim.
- A separate Claim Form must be filed for each underlying Direct Claim so that each Indirect Claim may be evaluated individually. Complete the Claim Form as thoroughly and accurately as possible.

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### **SECTION A: Indirect Claimant**

This section is to be completed by all entities asserting an Indirect Claim.

#### **A1. Identification of Entity Asserting Indirect Claim**

Indirect Party Asserting Claim: \_\_\_\_\_  
(First name, Middle initial, Last name)

Current Street Address: \_\_\_\_\_  
(Street/P.O. Box number/ Suite number)

\_\_\_\_\_  
(City, State and Zip)

Telephone: \_\_\_\_\_ Fed. Emp. I.D. No.: \_\_\_\_\_  
(Area Code & Number)

Nature of Business: \_\_\_\_\_

Name of Contact Person: \_\_\_\_\_  
(First name, Middle initial, Last name)

Title: \_\_\_\_\_

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Current Street Address: \_\_\_\_\_  
(Street/P.O. Box number/ Suite number)  
\_\_\_\_\_  
(City, State and Zip)

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_  
(Area Code & Number) (Area Code & Number)

E-mail Address: \_\_\_\_\_

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**A2. Identification of Attorney for Indirect Claim**

Attorney Name: \_\_\_\_\_  
(First name, Middle initial, Last name)

Name of Law Firm: \_\_\_\_\_  
(First name, Middle initial, Last name)

Current Street Address: \_\_\_\_\_  
(Street/P.O. Box number/ Suite number)  
\_\_\_\_\_  
(Street/P.O. Box number/ Suite number)  
\_\_\_\_\_  
(City, State and Zip)

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_  
(Area Code & Number) (Area Code & Number)

E-mail Address: \_\_\_\_\_

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**A3. Amount of This Indirect Claim**

Total Amount Claimed: \$ \_\_\_\_\_

Total amount of award, judgment, or settlement:

\$ \_\_\_\_\_

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**A4. Identification of Direct Claimant (Injured Party)**

Name: \_\_\_\_\_  
(First name, Middle initial, Last name)

Social Security #: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

Date of Birth: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
(Month) (Day) (Year)

Disease/injury for which the Indirect Claimant compensated the Direct Claimant: \_\_\_\_\_

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**SECTION B: Legal Basis for Indirect Claims**

This section is to be completed by all entities asserting an Indirect Claim pursuant to TDP section 5.6.

**B1. Legal Basis for Asbestos Contribution Claim**

Is this a Contribution Claim? Yes \_\_\_ No \_\_\_

If yes, please complete the following:

State law/Jurisdiction applicable to your Contribution Claim and the basis for that Jurisdiction:

\_\_\_\_\_

Have you paid in full a joint and several judgment or settlement in favor of the Direct Claimant? Yes \_\_\_ No \_\_\_

Have you made a settlement with the Direct Claimant under which Babcock & Wilcox and/or the Trust was released from liability? Yes \_\_\_ No \_\_\_

If yes, provide documentation of the satisfaction in full of the joint and several judgment and/or the documentation signed by the Direct Claimant releasing Babcock & Wilcox and/or the Trust.

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**B2. Proof of Payment**

Provide copies of canceled checks or verified payment vouchers showing that you paid the Direct Claimant, or a party who paid the Direct Claimant, in the amount claimed. Such proof of payment to the Direct Claimant is required in all circumstances.

**B3. Theory of Recovery**

Describe fully the legal and factual basis of your claim for Contribution, Indemnification or other basis for reimbursement.

If the release obtained from the Direct Claimant did not include a release of Babcock & Wilcox or the Trust, please set forth the specific statutory and case authority which you contend supports the claim.

If this is a claim that does not meet the Presumptive Standard for an Indirect Claim, as established in Section 5.6 of the TDP, please set forth the specific statutory and case authority which you contend supports the claim.

If the space below is insufficient, please provide this information on a separate piece of paper attached behind this sheet.

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**SECTION C: Proof of Claim and Related Claims Information**

**C1. Proof of Claim**

- A. Did you file a Proof of Claim in the Bankruptcy? Yes \_\_\_ No \_\_\_
- B. If yes, please attach the Bankruptcy Proof of Claim to this Claim Form.

**C2. Related Claims**

Have you sought, are you seeking, or do you plan to seek contribution, indemnification, or reimbursement on any other basis from any other asbestos producer or entity or individual other than the Trust based on the same Direct Claim? Yes \_\_\_ No \_\_\_

If yes, please provide the following information for each entity. If these claims involve lawsuits or other dispute resolution proceedings, please attach a copy of the complaint and any judgment.

Attach additional sheets for each defendant where seeking compensation related to the injured claimant.

**A. Lawsuits**

Name of Entity: \_\_\_\_\_

Amount of Claim: \$ \_\_\_\_\_

Type of Claim (lawsuit, negotiation, prior agreement, etc.): \_\_\_\_\_

Basis of Claim: \_\_\_\_\_

Status or outcome of the claim: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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If the claim is in the nature of a lawsuit or other dispute resolution proceeding, please provide the following:

Court or other dispute resolution forum, including case number and state:

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**SECTION D: Signature of Representative**

**D1. Signature of Representative of Indirect Claimant**

TO THE BEST OF MY KNOWLEDGE, THE INFORMATION CONTAINED IN THIS PROOF OF CLAIM IS TRUE AND COMPLETE. I UNDERSTAND THAT THIS PROOF OF CLAIM IS SUBMITTED UNDER PENALTY FOR REPRESENTATION OF A FRAUDULENT CLAIM IN ACCORDANCE WITH TITLE 18 U.S.C. § 152.

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First Name, Middle Initial, Last Name  
of Representative of Indirect Claimant  
(Must be a Corporate Officer or Attorney in Charge)

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Signature

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Title

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Date