

UNR ASBESTOS-DISEASE CLAIMS TRUST

Exposure Affidavit Guidelines

October 15, 2014

Claimants are required to submit affidavits, verification or declarations (each referred to herein as “affidavits”), in certain situations as outlined in the exposure criteria, in support of their claims to prove conclusively that they were exposed to UNR asbestos-containing products [UNR product]. The Trust will accept the affidavits as proof of such exposure only if it finds the affiants’ statements to be credible. To help claimants prepare affidavits that the Trust will accept as conclusive proof of exposure, listed below are some of the factors it considers in assessing an affiant’s credibility. Deviating from the guidelines below will not automatically cause an affidavit to be rejected, but may result in a processing delay by requiring additional information to be submitted; ***a claim will be disallowed if the claimant cannot provide what the Trust deems to be adequate information.***

Information relied upon should include, but is not limited to, 1) Occupation and how that occupation brought the Injured Person [IP] into contact with a UNR product, 2) employers, job sites and dates of employment at those job sites, 3) evidence to support the presence of UNR product(s) at the site(s) of the alleged exposure at the time the IP worked at the site(s); such evidence may include co-worker depositions, interrogatories, proof of purchase of UNR product(s), affidavits of those who purchased UNR product(s) or others knowledgeable of products used or installed at the site(s), where they may appropriately support affidavits described below.

IP and Personal Representative [PR] Affidavits

These guidelines do not apply to affidavits submitted by co-workers or other persons with a foundation of knowledge regarding the alleged exposure and the specific UNR product exposed to.

1. Indicate that the affiant is competent to testify to the information stated and has direct and personal knowledge of the factual information relevant to the claim.
2. Multi-page affidavits should have page numbers and provide the affiant’s initials and the date of execution on each page.
3. Have no handwritten notations, changes, edits, deletions or corrections.
4. In the case of a PR’s affidavit, explain how the affiant acquired the information outlined therein and describe the affiant’s relationship to the IP.

5. In the case of an affidavit asserting that an IP was exposed to a UNR product at an undocumented site, specifically identify the UNR product or products to which the IP was exposed. The affiant should also explain how he/she knows the products were UNR products. ***The Trust will not accept checked boxes or circled designations for any product.***
6. In the case of an affidavit asserting that an IP was exposed to a UNR product at an undocumented site or asserting that an IP who worked at an occupation not typically associated with asbestos exposure worked at a documented site, explain in detail and with specificity how the IP was exposed to the specific UNR product alleged.
7. Be signed under the penalty of perjury and otherwise satisfy the affidavit requirements of the state in which it is signed.

Co-Worker or Other Knowledgeable Person Affidavit

1. Indicate that the affiant is competent to testify to the information stated and has direct and personal knowledge of the factual information relevant to the claim.
2. Include page numbers and provide the affiant's initials and the date of execution on each page.
3. Have no handwritten notations, changes, edits, deletions or corrections.
4. Explain how affiant acquired the information stated and describe the affiant's relationship to the IP, if any.
5. In the case of an affidavit asserting that a UNR product was present at an undocumented site, specifically identify the UNR product or products. ***The Trust will not accept checked boxes or circled designations for any product.***
6. If the affidavit is the only evidence that the IP was exposed to a UNR product, then the affiant should specifically describe in detail, based on personal knowledge and observation how he/she knows it was a UNR product and describe how the UNR product was used and how a worker would be exposed to that UNR product.
7. If the affiant worked in an occupation not typically associated with asbestos exposure, explain in detail and with specificity how the affiant knows that the products were UNR products.
8. Be signed under the penalty of perjury and otherwise satisfy the affidavit requirements of the state in which it is signed.