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IMPORTANT
CONTAINS TIME SENSITIVE DEADLINES

October 19, 2021

RE: Intercontinental Terminals Company and NSK Litigation – Update

Dear Clients,

I hope this letter finds you and your family well. We are writing to update you on the status of the ongoing Intercontinental Terminals Company and NSK litigation as of October 18, 2021. We just completed a status conference with presiding Magistrate Judge Dena Palermo in the United States Southern District Court of Texas where this litigation is filed.

In the conference, we discussed important upcoming deadlines for your claims, as well as ongoing discovery against the newly added Defendants, NSK Corp. and NSK, Ltd. As previously discussed, the NSK Defendants are believed to have manufactured ball bearing component parts to the pump that failed and initially caught on fire at ITC. We have received and are currently reviewing tens of thousands of documents that were produced by the NSK Defendants and anticipate beginning fact depositions of those witnesses in the first few months of 2022.

Meanwhile, we are finalizing all supporting information and documentation necessary to prove each of our client's acute bodily injury claims arising from the ITC fire. **Judge Palermo has indicated that she will order all Plaintiff fact sheets and supporting documentation to be submitted to the defense lawyers as early as December 31, 2021.**

This means we need each of you to submit any documentation you have to our office regarding your bodily injury claims on or by December 15, 2021. We also need you to confirm with our office any doctors you visited for treatment of those injuries as soon as possible so we can obtain those records and bills on your behalf by the upcoming deadline.

If you have already submitted all supporting documentation for your claim and confirmed with our office any doctors that you visited as a result of the ITC fire, then nothing is needed from you at this time and you can disregard this message.

Our staff is contacting only those clients whose information or documents are still missing via our automated text messaging platform and other means of communication. ***If you receive a***

message from our office requesting additional information or documents, it is imperative to your claim that you reply with the needed information/documents as soon as possible.

For reference, please see a breakdown regarding the information and documentation that is required to fully process each claim.

1. General Note - Recovery Limited to Damages from Acute Injuries Only:

As you are aware, *we are only representing clients for acute injuries and the resulting damages suffered from the fire.* As we have previously informed you, science and applicable legal standards in this case do not support any claims that long-term illnesses could have been caused as a result of exposure to the toxic fumes released in the ITC fire. In rare cases, we have seen acute illnesses or injuries (e.g., respiratory distress, sore throat, dizziness, eye irritation) lead to catastrophic injury and even death as a result of the fire. Accordingly, please make sure that you provide complete and detailed information and any supporting documentation regarding all your alleged injuries so that our team can inventory every recoverable damage in your case.

If you believe you have suffered a permanent or catastrophic personal injury or sickness as a result of the ITC fire, please contact our office as soon as possible, if you have not already done so, so we can fully evaluate your claim and if necessary, coordinate an appointment with one of our ITC lawyers to ensure all your questions are fully answered.

2. Medical Records and Treatment Information:

ASAP: To the extent you have not already done so, please confirm as soon as possible the name of all doctors and clinics that you visited for medical treatment received as a result of the ITC fire. Once we obtain your medical provider information, we will order all medical and billing records on your behalf. Please note, it can take up to sixty days to receive medical and billing records, so please provide this information to our office as soon as possible.

Dec. 15, 2021: Please submit to our office any copies of medical records and/or bills that you have for treatment you received as a result of the ITC fire.

3. Lost Wages Records and Information:

Dec. 15, 2021: Please submit any copies of records and information regarding lost wages that you suffered as a result of the ITC fire. We will require supporting documentation and complete information regarding the manner and method of calculating your lost wages claim in order to submit this with your profile sheet. Documentation generally includes earnings records, records showing any days missed from work, as well as the method in which you calculate your lost wages in this case. We understand that documentation and information regarding this loss is client specific. Accordingly, if you have not done so already, please contact our office as soon as possible to ensure we have all documentation and information necessary to compute and present your lost wages claim suffered as a result of the ITC fire.

4. No Representation for Property Damage:

To clarify some questions we have received from a few clients, we are not representing any clients for property damage sustained as a result of the ITC fire. As previously indicated, **our representation is limited to damages arising from acute bodily injuries only.**

This includes any economic damages suffered as a result of medical treatment received and any lost wages for work missed as a result of the fire. This also includes any non-economic

damages for pain and suffering, mental anguish, physical impairment, and physical disfigurement that you suffered as a result of the fire.

To ensure that your claim is fully documented and presented for settlement purposes, please call our office to review your damages information with one of our team members if you have not already done so.

If you believe that you have suffered property damages and you wish to pursue those claims, please contact our office and we will connect you with a law firm that is leading the effort to pursue those claims.

As always, if your address, phone number, or e-mail address changes, please provide us with your updated contact information so we can keep you informed about your case. If you have any questions or would like to discuss your specific claims in further detail, please do not hesitate to call me or my legal assistant, Jennifer Hill (713-226-5108), with any questions or concerns you may have. You also can e-mail our firm at itclawsuit@awtxlaw.com.

Sincerely,

A handwritten signature in blue ink, appearing to read 'BAJ', with a long horizontal flourish extending to the right.

Benny Agosto, Jr.

BAJ/JDS
CC: Referring attorneys