

BENNY AGOSTO, JR, P.C.*
MUHAMMAD S. AZIZ, P.C.*
BRANT J. STOGNER, P.C.*

FRANK T. ABRAHAM
(1924-2004)

W. W. WATKINS
(1920-1987)

NICK C. NICHOLS, P.C.
(RETIRED PARTNER)

*BOARD CERTIFIED: PERSONAL INJURY TRIAL LAW
TEXAS BOARD OF LEGAL SPECIALIZATION

*SENIOR ASSOCIATE

**OF COUNSEL

LAW OFFICES

**ABRAHAM, WATKINS, NICHOLS,
AGOSTO, AZIZ & STOGNER**

800 COMMERCE STREET
HOUSTON, TEXAS 77002-1776

(713) 222-7211
FAX (713) 225-0827

1-800-870-9584
WWW.ABRAHAMWATKINS.COM

MICHELLE A. RICE *
IMRANA MANZANARES, R.N., J.D.
JONATHAN D. SNEED
JENNIFER O'BRIEN STOGNER**
ANGELINA WIKE
LENA B. LAURENZO
KARL P. LONG
CHRISTOPHER D. MAHFOUZ
EDWARD A. FESTERYGA
BEN AGOSTO III
NANCY FLORES
DAVID J. BALUK
JONATHAN TAYLOR PACE
SOROUSH MONTAZARI
SPENCER T. SPEED
BARNEY P. DILL
WILLIAM N. FARMER
WADY S. RAHBANI-CHAVEZ
ALICIA K. PATTERSON

MORGAN MILLS
RAMSEY AL-AZEM

September 6, 2022

RE: *Intercontinental Terminals Company Litigation 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 September 6, 2022.

In June of 2022, the mediation process began with Intercontinental Terminals Company. Given the magnitude of claims made in this litigation, this process remains ongoing, and we anticipate it to continue onward for several more months. Currently, parties have finalized identifying initial qualifying criteria for all claims in this matter. Based on discussions with the mediator, leadership plaintiffs' counsel, and defense counsel in this process, initial qualifying criteria will include proof of medical treatment by medical and/or billing records for all bodily injury claims, and that treatment was first obtained on or before May 1, 2019. All clients will receive correspondence in the near future confirming the status of their claims based on these initial criteria.

As a reminder, we are handling property damage claims arising from the ITC fire on a very limited basis and only considering those supported by documents evidencing proof of loss (e.g., receipts, invoices, etc.). We are also presenting lost wage claims for those who have submitted lost wage information, but believe it will be very difficult, if not impossible, to obtain recovery for lost wages if those claims are also unsupported by documents evidencing proof of loss (e.g., paycheck stubs, timeclock records, letters from employers verifying lost time from work, etc.). If you have not already done so and believe you have suffered a verifiable lost wage or property damage, please make sure to provide records supporting that loss to our office as soon as possible.

Finally, a new trial date order has been received and the trial has now been set to commence for bellwether plaintiffs in November 2023. For the few clients that were randomly selected for bellwether discovery, please make sure to promptly reply to any calls or correspondence from our office as we work to coordinate depositions and your written discovery that has been ordered by the Court.

Please refer to the following additional information and instructions that have been provided to you regarding claims-related information that are required in your case.

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:**

NEEDED 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 to ninety days to receive medical and billing records, so please provide this information to our office as soon as possible.

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:**

As previously mentioned, we believe it will be very difficult – if not impossible – to obtain any recovery for lost wages claims that are unsupported by documentation. Accordingly, 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:**

As everyone has been informed, we are generally not representing any clients for property damage sustained as a result of the ITC fire – with the few exceptions of those who can prove losses caused from the fire through documentation supporting (1) the loss was caused from or can be reasonably traced back to the fire; (2) the amount of monetary loss suffered from the property damage; and (3) the nature and extent of the loss itself.

As previously indicated, unless you have submitted documentation that proves the cost of the property damage and that it is reasonably tied to the ITC fire, **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

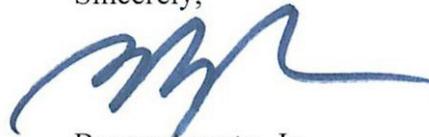
fire. This also includes any non-economic damages for pain and suffering, mental anguish, physical impairment, and physical disfigurement that you suffered as a result of the fire.

As always, if you have suffered property-related damages **that are supported with documentation** 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.

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.

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 (Direct: 713-226-5108)**, with any questions or concerns you may have. You also can e-mail our firm at jtclawsuit@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