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February 2, 2023

**RE: *Intercontinental Terminals Company Litigation and NSK Litigation – Update***

**\*\*\* IMPORTANT \*\*\***

**NOTICE OF CLAIM DISQUALIFICATION AND  
UPCOMING STATUTE OF LIMITATIONS**

Dear Client,

I hope this letter finds you and your family well. We regret to inform you that based on our review of your claim information and the discussions we have had with counsel for ITC and NSK, other co-lead plaintiffs' lawyers, as well as the court-approved mediator in this case, your claim does not meet the initial qualifying criteria to proceed with settlement discussions in this matter.

There could be one or several reasons your claim does not meet the initial qualifying criteria in this case, which include:

- No record of medical treatment, lost wage, or property damage;
- Medical treatment for ITC fire-related injuries did not take place on or before May 1, 2019; and
- You have previously informed our law firm that you no longer wish to proceed with any claim in this matter.

If you believe your claim *does* meet the initial qualifying criteria as set forth above, please contact our office as soon as possible to provide our team with the necessary records and/or information so that we can continue working on your case and provide this data to counsel for ITC and NSK for further negotiations.

Unfortunately, based on the criteria above and without further information, we are unable to proceed with your case or representation of any claims you believe you may have arisen from the ITC fire and/or related litigation against ITC and NSK. If we do not hear from you by February

10, 2023, we will assume our records for your case to be correct and our legal representation of all claims you may have arising from the ITC fire that began on March 17, 2019 will terminate.

If you wish to get a second opinion, we strongly urge you to contact another lawyer as soon as possible to see whether a different law firm will represent any claims you believe you have arising from this incident. We are waiving any fee or expense interest in your case, which means that you are free to seek representation from other counsel, and you and any lawyer that subsequently agrees to represent you in this matter will be free to pursue your claims without needing to consider any financial interest our firm may have in your case.

We regret not being able to proceed further in representing your claim and hope this letter provides complete information as to your rights and options in pursuing a different law firm to represent you in this case.

**PLEASE TAKE NOTE OF THE UPCOMING STATUTE OF LIMITATIONS:** If you wish to obtain a second opinion and search for a new lawyer to represent you, TIME IS OF THE ESSENCE and you should do so immediately. Your claim is currently unfiled and subject to a tolling agreement that allows you to file a lawsuit for your claim, should you to do wish so, outside of the two-year anniversary from the date the fire began. **Based on our discussions with ITC, they have recently informed us that they intend to terminate the tolling agreement on February 23, 2023. This means that you need to file a lawsuit for your claims you believe arise from the ITC fire on or before February 23, 2023 or you may be permanently barred from any recovery in this case.**

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, text, or email 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 [itclawsuit@awtxlaw.com](mailto:itclawsuit@awtxlaw.com).

Sincerely,

A handwritten signature in blue ink, appearing to read 'Benny Agosto, Jr.', with a stylized flourish extending to the right.

Benny Agosto, Jr.

BAJ/JDS

CC: Referring attorneys