



Lisa A. Rickard  
President

July 21, 2009

Mr. Larry J. Haden  
President  
Claims Resolution Management Corporation  
Manville Personal Injury Settlement Trust  
3110 Fairview Park Drive, Suite 200  
Falls Church, VA 22042-0683

Dear Mr. Haden:

On behalf of the United States Chamber of Commerce and United States Chamber Institute for Legal Reform, I write to applaud your leadership in taking important steps to fight asbestos litigation fraud that has taken a serious toll on employers, employees and asbestos victims throughout the country. Specifically, I commend the Manville Trust's efforts to preserve the integrity of the bankruptcy trust compensation process by temporarily banning the receipt of any medical reports authored by Dr. R. Michael Kelly – a physician whose asbestos diagnoses were excluded by Judge Robert J. Columbo, Jr. of the Wayne County Circuit Court in Detroit, Michigan.

I also write to provide additional information regarding Dr. Kelly to assist in your current investigation. We are hopeful that your investigation will confirm Judge Columbo's December 2008 ruling regarding Dr. Kelly's credibility and ultimately lead to the Manville Trust's permanent ban on accepting his medical reports.

First, I enclose the Michigan Court's Daubert hearing transcript and related pleadings, orders, reports, exhibits and testimony from last November which resulted in Dr. Kelly's disqualification as an expert witness. While you may already have this information in your investigation records, I am also providing a more detailed summary of key evidentiary points from the hearing that raise serious questions about the reliability of Dr. Kelly's asbestos diagnoses.

Second, I am enclosing a March 27, 2009 court transcript from a subsequent civil proceeding where Judge Columbo denies the request of asbestos plaintiffs' lawyers who sought a continuance of certain asbestos litigation based on Dr. Kelly's diagnoses. In

Mr. Larry J. Haden  
July 21, 2009  
Page Two

denying the plaintiffs' request for a continuance, presiding Judge Columbo delivered revealing remarks which further undermine the credibility of Dr. Kelly as an expert witness, as well as the asbestos lawyers associated with him:

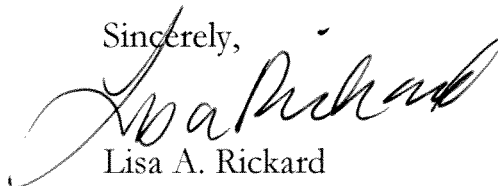
[the asbestos plaintiffs firm] has settled a lot of cases on this docket since I took over in January of 1992 based on Dr. Kelly's testimony, which now in my mind is suspect. And so, why should I reward Plaintiffs' counsel and the Plaintiffs on cases that I believe now are suspect because they were supported by Dr. Kelly and adjourn those cases to allow them to proceed? I think probably there were a lot of cases over time that were settled where Plaintiffs didn't have asbestosis.

Finally, I am enclosing documents showing the results of a survey commissioned by the Michigan Department of Labor & Economic Growth of "B reader" physicians qualified to read and interpret chest x-rays for asbestos disease. After collectively reviewing 4,161 chest x-rays for asbestos disease in 2007, these physicians reported a significantly lower rate of asbestos disease diagnoses when compared to Dr. Kelly's positive x-ray readings. For example, as you will see in the accompanying summary chart, the physicians responding to the 2007 "B reader survey" reported cumulatively that only 2.9% of their reviewed x-rays showed evidence of asbestosis – a fairly normal percentage when compared to the astonishingly high number of positive readings from Dr. Kelly a year later, when he reported asbestosis findings at rate of 88%.

We encourage you to carefully review these materials as you assess whether to permanently bar Dr. Kelly from providing medical diagnoses in support of asbestos claims filed with the Manville Trust. Indeed, the weight of this evidence bears heavily on whether the Manville Trust (or any other asbestos bankruptcy trust) can have "reasonable confidence" in Dr. Kelly's reliability and objectivity as an expert witness in diagnosing asbestos disease. See 2002 Manville Trust Distribution Process, Section E.1.(b).

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa A. Rickard", written in a cursive style.

Lisa A. Rickard

Enclosures