

Exhibit A

PRIVILEGED AND CONFIDENTIAL
ATTORNEY WORK PRODUCT

MEMORANDUM

TO: E. Wendy Trachte-Huber

FROM: Debby Greenspan

DATE: November 19, 2001

RE: **Pending Questions re: Q&A Booklets**

1. Disease Q1-10: Question regarding A level disability/severity. Question states that Judge Pointer changed the language of the A level disability category such that the language would read “a functional capacity adequate to consistently perform none or only a few of the usual duties or activities of vocation AND self care” — as opposed to “OR self care.”

Response: We do not believe that Judge Pointer issued an order changing the wording of the disability guideline. To the extent that Judge Pointer or the MDL 926 Claims Office has interpreted the meaning of the guideline through annotations or other examples, the Settlement Facility is required to apply those interpretations.

2. Disease Q1-11: Question regarding wording. Should the word “severe” be inserted before the word “pain” in the definition of level B disability/severity?

Response: Yes.

3. Disease Q4-7: Question is “Can a doctor who is not board certified write my disease diagnosis and/or disability statement?” Question posed is whether the answer is correct since the answer states that “Only Board certified physicians can submit the statement or diagnosis.”

Response: The question should be revised to delete the words “and” and “disability” so that it will read “Can a doctor who is not board certified write my disease diagnosis or statement?”

4. Disease Q4-8: The inquiry indicates that there is a typo and that the phrase “D.O.s should be “D.O.’s.”

Response: The answer should remain as is. In the answer “D.O.” is intended to be plural and not possessive.

5. Disease Qs 5-1, 5-8: Query regarding reference to Disease Payment Option II.

Response: We believe we have transmitted the Option II guidelines and definitions as part of the Tab to be included. We can re-transmit.

6. Disease Q5-2(6): Query indicates that the referenced question effects a change in the criteria for use of QMD statements.

Response: There is no change and nothing in disease question 5-2 indicates or effects such a change. Question 5-2(6) simply repeats the language of MDL question 137 dated December 27, 1995. Nothing in the Joint Plan or in the Disease Claimant Information Guide modified in any way the MDL guidelines and standards for acceptance of medical records/documentation for Disease Option II (i.e., Long Term Benefits Schedule).

7. Disease Tab 1, p. 37: Question about the indentation for lymphadenopathy and dysphagia.

Response: It appears that in the type set version, the bullets were indented incorrectly and these two findings were indented as if they fit under the heading of serologic abnormalities. In fact, they do not fit under that heading and should not be indented to that level.