

## Attorney Declaration

### Verified Certification of In Personam Jurisdiction

I am J. Conard Metcalf, attorney for  
Kenneth J. Freiberg, claimant who has submitted a  
an asbestos related claim with the Western Asbestos Settlement Trust. I make this  
declaration in support for the Trust's requirement that claimant could have commenced  
litigation seeking compensation for claimant's asbestos related injury in a jurisdiction  
where one of the Debtors (Western Asbestos, Western Mac Arthur, or the Mac Arthur  
Company) was subject to in personam jurisdiction.

The jurisdiction that claimant's lawsuit could have been filed is

\_\_\_\_\_.

The facts, upon which I believe that the claimant would have met the in personam  
Jurisdiction requirement as stated in the Western Asbestos Company/ Western  
Mac Arthur Co. / Mac Arthur Co. Asbestos Personal Injury Settlement Trust Distribution

Procedures Section 5.1, are the following:

Mr. Frieberg's lawsuit was filed in Colorado. It could have  
been filed in California because several of the defendants  
are California companies, and Mr. Frieberg's work required  
him to make regular visits to California job sites where he  
was also exposed to asbestos.

In addition, there is personal jurisdiction over MacArthur  
(Minnesota) in Colorado because MacArthur (Minnesota) manufactured,  
sold, and shipped asbestos containing pipe insulation to  
Colorado job sites, including Mr. Freiberg's Colorado place  
of employment.

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I declare under penalty of perjury under the laws of the United States of America that I am informed and believe, based upon credible information available to me, including the attached information submitted in support of this claim, that the foregoing is true and correct.

Executed at Boulder, Colorado  
(City) (State)

\_\_\_\_\_  
(Signature)

August 7, 2008  
(Date)