

EXHIBIT D – QUALIFYING SURGERIES

For purposes of Section XVIII.B of the Agreement, the Allocation Neutral shall consider the surgical procedures listed in the chart below to be Qualifying Surgeries only if:

- i. the Allocation Neutral determines that a Primary Plaintiff underwent¹ one of the surgical procedures listed in column A in the chart below after his or her work or volunteer service at the WTC Site or at other locations giving rise to his or her Debris Removal Claims;
- ii. the Allocation Neutral determines according to the Medical Proof Criteria and based upon a Primary Plaintiff’s Claim Form and Qualifying Medical Records that the Primary Plaintiff has one of the Qualifying Injury(ies) listed in column B of the chart below that corresponds with the surgical procedure that the Primary Plaintiff underwent; and
- iii. one or more of the Qualifying Injury(ies) listed in column B of the chart below is, based upon the Plaintiffs’ Claim Form and Qualifying Medical Records, the most likely explanation in the Allocation Neutral’s judgment for the corresponding surgical procedure listed in column A of the chart below.

Consistent with the forgoing requirements, the Allocation Neutral shall not credit as a Qualifying Surgery for purposes of Section XVIII.B of the Agreement any of the surgical procedures listed in column A of the chart below if the Allocation Neutral determines that those procedure(s) in a particular Primary Plaintiff’s case are more likely necessitated by an alternative explanation listed in column C of the chart below, or any other injury or medical condition other than those corresponding Qualifying Injury(ies) listed in column B of the chart below.

For each Qualifying Surgery, the corresponding payment amount is set forth in column D.

Column A	Column B	Column C	Column D
Surgical Procedure	Corresponding Qualifying Injury(ies)	Examples of alternative non-qualifying explanations	Payment
Laryngectomy	Laryngeal cancer ("I1")	Traumatic injury	\$10,000
Lobectomy	Lung cancer ("I1")	Congenital defects, severe infections, benign cysts, or benign abscesses	\$10,000
Actual or recommended lung transplant or double lung transplant	COPD ("A") (but not Emphysema) or ILD ("B")	Cystic fibrosis, primary pulmonary hypertension, Emphysema or other advanced lung diseases	Recommended - \$75,000 Single - \$100,000 Double - \$150,000

¹ For purposes of this Exhibit, “underwent” shall include Primary Plaintiffs on a lung transplant list and Primary Plaintiffs for whom a lung transplant surgeon recommended a lung transplant but found them too unstable to undergo the procedure.

Column A	Column B	Column C	Column D
Surgical Procedure	Corresponding Qualifying Injury(ies)	Examples of alternative non-qualifying explanations	Payment
Pneumectomy	Lung cancer ("I1")	Traumatic injury, pulmonary infarction, or necrotizing pneumonia	\$5,000
Sinus surgery	Chronic rhinosinusitis or chronic sinusitis ("E")	Anatomic defects or polyps	\$20,000 for each Qualifying Surgery if the Primary Plaintiff also satisfies the requirements set forth in the text below this table
Thyroidectomy	Thyroid cancer ("I1")	Hyperthyroidism, hypothyroidism, goiter, or other masses/growths	\$5,000

With respect to “sinus surgery,” the Allocation Neutral shall award payment, assuming the other requirements of this Exhibit D are satisfied for each Qualifying Surgery, to those Primary Plaintiffs whose Qualifying Medical Records clearly establish in the Allocation Neutral’s judgment the following:

- i. that the Primary Plaintiff’s sinus surgery relates to his or her “E2” or “E3” Qualifying Injury diagnosed according to the Medical Proof Criteria within one (1) year of the Primary Plaintiff’s last day of 9/11-related work of volunteer service, as confirmed by the Allocation Neutral based upon the Primary Plaintiff’s Tier 4 Claim Form and the Qualifying Medical Records submitted therewith;
- ii. that the Primary Plaintiff took prescription medication for his or her sinus conditions prior to the surgery in question;
- iii. that the Primary Plaintiff’s sinus surgery was not primarily performed to correct, mitigate or otherwise treat an anatomic defect or any other condition unrelated to his her Debris Removal Claims; and
- iv. that the Primary Plaintiff had no Qualifying Injury in the “E” Disease Group before his or her first date of 9/11-related work or volunteer service, as verified by the Primary Plaintiff’s and his or her counsel’s execution of the Tier 4 Claim Form.

In determining that a Primary Plaintiff qualifies to recover for a sinus surgery, the Allocation Neutral may consider, but shall not be bound by, opinions by licensed physicians appearing in the Primary Plaintiff’s Qualifying Medical Records regarding these factors. In addition, Primary Plaintiffs who do not submit sufficient Qualifying Medical Records to permit the Allocation Neutral to evaluate each of these factors shall not be entitled to payment for that surgery.

Lastly, Primary Plaintiffs who claim multiple sinus surgeries shall be entitled to up to three (3) of the sinus surgery payments referenced herein, subject to all of the other requirements of this Exhibit D.