

# CONGOLEUM PLAN TRUST

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**TRUSTEE:**

**Hon. Mary Anne Mason (Ret.)**

**NOTICE OF AMENDMENT TO TDP TO ADDRESS REFILING OF  
WITHDRAWN CLAIMS WITH EFFECTIVE DATE OF JANUARY 1, 2026**

November 1, 2025

PLEASE TAKE NOTICE that the Congoleum Plan Trust (the “Plan Trust”), with the consent of the TAC and the Futures Representative, has adopted the *Eleventh Amendment to the First Amended Congoleum Plan Trust Distribution Procedures (Effective July 7, 2011)* (the “Eleventh Amendment to TDP”), a copy of which is attached hereto, to amend Section 7.3 of the TDP to address the refiling of withdrawn claims. The Eleventh Amendment to TDP will go into effect on January 1, 2026.

PLEASE TAKE FURTHER NOTICE that pursuant to the Eleventh Amendment to TDP:

[F]or a Plan Trust PI Asbestos Claim withdrawn by the claimant or deemed withdrawn by the Plan Trust before January 1, 2026, a claimant must file a subsequent claim by January 1, 2029, or the Plan Trust PI Asbestos Claim shall be rejected and barred from filing. For a Plan Trust PI Asbestos Claim withdrawn by the claimant or deemed withdrawn by the Plan Trust on or after January 1, 2026, a claimant must file a subsequent claim within three years of the withdrawal, or the claim shall be rejected and barred from filing. The rejection dates in the preceding two sentences may be extended by the Plan Trustee for a period of time not to exceed six months upon a written showing by the claimant of exceptional or extraordinary circumstances.

PLEASE TAKE FURTHER NOTICE that the claim filing fee of \$50.00 applicable to all claims submitted to the Trust on or after January 1, 2024, will apply to any withdrawn claims subsequently filed with the Plan Trust. See *Notice of Claim Filing Fee and Claim Filing Fee Procedures* published on the Plan Trust’s website at [www.congoleumtrust.com](http://www.congoleumtrust.com).

**Principal Office:**

**1100 N. Market Street, 4th Floor  
Wilmington, DE 19890**

**Administrative Office:**

**c/o Stutzman, Bromberg, Esserman & Plifka, A Professional Corporation  
2323 Bryan Street, Suite 2200, Dallas, TX 75201**

**ELEVENTH AMENDMENT TO THE FIRST AMENDED CONGOLEUM  
PLAN TRUST DISTRIBUTION PROCEDURES (EFFECTIVE JULY 7, 2011)**

THIS ELEVENTH AMENDMENT TO THE FIRST AMENDED CONGOLEUM PLAN TRUST DISTRIBUTION PROCEDURES (effective July 7, 2011) (the “TDP”) (the “Eleventh TDP Amendment”) is made by the Plan Trustee of the Congoleum Plan Trust (the “Plan Trust”) pursuant to Section 9.1 of the TDP, effective January 1, 2026.

Capitalized terms not otherwise defined herein shall have the meaning ascribed to such terms in the TDP.

**RECITALS:**

1. The Congoleum Plan Trust Distribution Procedures became effective on July 1, 2010.

2. The Plan Trustee, with the consent of the Trust Advisory Committee (“TAC”) and the Futures Representative (“FR”), adopted amendments to the Congoleum Plan Trust Distribution Procedures, which amendments became effective July 7, 2011, November 15, 2011, February 23, 2012, June 3, 2013, April 8, 2014, January 1, 2016, May 1, 2016, July 5, 2017, March 15, 2018, January 1, 2019, and December 8, 2023. The Congoleum Plan Trust Distribution Procedures, as amended, are referred to herein as the TDP.

3. Section 9.1 of the TDP provides that the Plan Trustee of the Plan Trust may amend, modify, delete, or add to any provisions of the TDP provided the Plan Trustee first obtains the consent of the TAC and the FR.

4. The Plan Trustee, with the consent of the TAC and the FR, seeks to amend Section 7.3 of the TDP to address the refiling of withdrawn claims.

5. The amendment to Section 7.3 of the TDP as set forth herein establishes deadlines for refiling withdrawn claims, whether withdrawn by the claimant or by the Plan Trust.

6. The Plan Trust will provide notice to claimants of this amendment to Section 7.3 of the TDP.

7. As set forth above, the effective date of this amendment to the TDP is January 1, 2026, which will provide sufficient time for Verus Claims Services, LLC, the Plan Trust’s claims processor, to implement the provisions and for law firms to address the amendment.

8. By policy amendment, the Plan Trustee will clarify that the previously adopted claim filing fee of \$50.00 applicable to all claims submitted to the Plan Trust on or after January 1, 2024, applies to refiled withdrawn claims.

9. This amendment to Section 7.3 of the TDP codifies previously adopted policies addressing claims deemed withdrawn by the Plan Trust for non-prosecution by the claimants.

10. The Plan Trustee shall review the deadlines imposed by this amendment to Section 7.3 of the TDP promptly after January 1, 2031, to determine if allowable claims have been precluded by the deadlines. The Plan Trustee shall consult with the TAC and the FR on the methodology for the review.

11. As evidenced by the signatures below, pursuant to Section 9.1 of the TDP, the Plan Trustee, with the consent of the TAC and the FR, amends Section 7.3 of the TDP as set forth herein.

#### **ADOPTION OF AMENDMENT:**

NOW, THEREFORE, the TDP is hereby amended as follows:


Section 7.3 is amended and restated in its entirety as follows:

7.3 Withdrawal or Deferral of Claims. A claimant can withdraw a Plan Trust PI Asbestos Claim at any time upon written notice to the Plan Trust and file another claim subsequently without affecting the status of the claim for statute of limitations purposes, but any such claim filed after withdrawal shall be given a place in the FIFO Processing Queue based on the date of such subsequent filing. The Plan Trust may deem a Plan Trust PI Asbestos Claim withdrawn by the claimant pursuant to duly adopted policies or procedures for reviewing and liquidating Plan Trust PI Asbestos Claims, and a claimant may file another claim subsequently without affecting the status of the claim for statute of limitation purposes, but any such claim filed after the deemed withdrawal shall be given a place in the FIFO Processing Queue based on the date of such subsequent filing. Notwithstanding the foregoing, for a Plan Trust PI Asbestos Claim withdrawn by the claimant or deemed withdrawn by the Plan Trust before January 1, 2026, a claimant must file a subsequent claim by January 1, 2029, or the Plan Trust PI Asbestos Claim shall be rejected and barred from filing. For a Plan Trust PI Asbestos Claim withdrawn by the claimant or deemed withdrawn by the Plan Trust on or after January 1, 2026, a claimant must file a subsequent claim within three years of the withdrawal, or the claim shall be rejected and barred from filing. The rejection dates in the preceding two sentences may be extended by the Plan Trustee for a period of time not to exceed six months upon a written showing by the claimant of exceptional or extraordinary circumstances. A

claimant can also request that the processing of his or her Plan Trust PI Asbestos Claim by the Plan Trust be deferred for a period not to exceed three (3) years without affecting the status of the claim for statute of limitation purposes, in which case the claimant shall also retain his or her original place in the FIFO Processing Queue. During the period of such deferral, a sequencing adjustment on such claimant's Plan Trust PI Asbestos Claim as provided in Section 8.5 hereunder shall not accrue and payment thereof shall be deemed waived by the claimant. Except for Plan Trust PI Asbestos Claims held by representatives of deceased or incompetent claimants for which court or probate approval of the Plan Trust's offer is required, or a Plan Trust PI Asbestos Claim for which deferral status has been granted, a claim shall be deemed to have been withdrawn if the claimant neither accepts, rejects, nor initiates arbitration within one (1) year of the Plan Trust's written offer of payment or rejection of the claim. Upon written request and good cause, the Plan Trust may extend the withdrawal or deferral period for an additional six months.

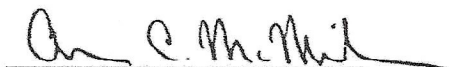
IN WITNESS WHEREOF, the Plan Trustee, with the consent of the TAC and the FR as provided in the Congoleum Plan Trust Agreement, has executed this Eleventh Amendment to the TDP effective as of the date first above written. This Eleventh Amendment to the TDP may be executed in any number of counterparts, each of which shall constitute an original, and all of which together shall constitute one and the same instrument.

PLAN TRUSTEE:

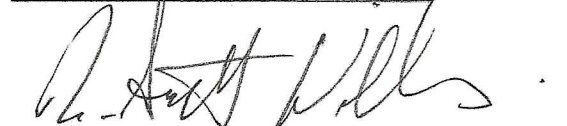
  
Hon. Mary Anne Mason, Ret.

TRUST ADVISORY COMMITTEE:

By its counsel:

  
Ann C. McMillan,  
Caplin & Drysdale

FUTURES REPRESENTATIVE:

  
R. Scott Williams