

Amended Section 5.1 (c) of the First Amended and Restated United States Mineral Company
Asbestos Personal Injury Settlement Trust Distribution Procedures

Section 5.1 (c) of the First Amended and Restated United States Mineral Company Asbestos Personal Injury Settlement Trust Distribution Procedures effective March 2, 2010 is superseded in its entirety by the following:

5.1(c) Payment of Claims. Trust Claims that have been liquidated by the review process as provided in Section 5.3(a)–(b) below, by alternative dispute resolution procedures as provided in Section 5.10 below, or by litigation in the tort system as provided in Section 5.11 below, shall be paid in FIFO order based on the date their liquidation became final (the “FIFO Payment Queue”), all such payments being subject to the applicable Payment Percentage and the Maximum Available Payment, except as otherwise provided herein. Where the claimant is deceased or incompetent, and the settlement and payment of his or her claim must be approved by a court of competent jurisdiction or through a probate process prior to acceptance of the payment by the claimant’s representative, an offer made by the Trust on the claim shall remain open so long as proceedings before that court or in that probate process have been commenced within one year of the date of the offer and remain pending, provided that the Trust has been furnished with evidence that the payment offer has been submitted to such court or probate process for approval. Upon written request and good cause, the Trust may extend this period for an additional six months.

If the offer is ultimately approved by the court or through the probate process and accepted by the claimant’s representative, the Trust shall pay the claim in the amount so offered, multiplied by the Payment Percentage in effect at the time the offer was first made. If any claims are liquidated on the same date, the claimant’s position in the FIFO Payment Queue shall be determined by the date of the diagnosis of the claimant’s asbestos-related disease. If any claims are liquidated on the same date and the respective claimants’ asbestos-related diseases were diagnosed on the same date, the position of those claimants in the FIFO Payment Queue shall be determined by the Trust based on the dates of the claimants’ birth, with older claimants given priority over younger claimants.

This amendment shall be deemed adopted and effective as of April 21, 2021.