

METEX ASBESTOS PI TRUST

Submission of Pre-Petition Liquidated Claims

Purpose of this Document:

Section 5.2 of the Metex Asbestos PI Trust Distribution Procedures (“TDP”) describes the procedures for processing and paying Asbestos PI Claims that may have been liquidated prior to the commencement of Metex Mfg. Corporation’s Chapter 11 Bankruptcy. This document provides a summary of the requirements to qualify for treatment as a Pre-Petition Liquidated Claim (defined below) and what documents and information must be submitted to the Metex Asbestos PI Trust in order to submit such a claim. This document is intended only to provide guidance in the submission of Pre-Petition Liquidated Claims and does not supplant or alter the requirements of the TDP. All Pre-Petition Liquidated Claims will be processed in accordance with the applicable provisions of the TDP and claimants and their counsel are encouraged to review the TDP prior to submission of their claims.

Definition of Pre-Petition Liquidated Claims

“Pre-Petition Liquidated Claims” are defined as all Asbestos PI Claims¹ that were liquidated by

- (i) a binding settlement agreement for the particular claim entered into prior to the Commencement Date that is judicially enforceable by the claimant,
- (ii) a jury verdict or non-final judgment in the tort system obtained prior to the Commencement Date, or
- (iii) a judgment that became final and non-appealable prior to the Commencement Date.

The claim is liquidated if the settlement agreement, jury verdict or judgment fixes a specific amount that the Debtor is obligated to pay the claimant.

If a Pre-Petition Liquidated Claim is secured by letters of credit, appeal bonds, or other security or surety, the claimant must first exhaust their rights against any applicable security or surety before making a claim against the Metex Asbestos PI Trust. Only in the event the security or surety is insufficient to pay the Pre-Petition Liquidated Claim in full will the deficiency be processed and paid by the Metex Asbestos PI Trust.

¹ Capitalized terms not otherwise defined herein shall have the meaning ascribed to such terms in the TDP.

Required Information and Documentation

To establish a valid claim and receive payment from the Metex Asbestos PI Trust, the holder of a Pre-Petition Liquidated Claim must submit to the Metex Asbestos PI Trust at the address provided below, all information and documentation necessary to demonstrate that the Asbestos PI Trust claim was liquidated as outlined above, including:

- Injured party's full name, address, phone number, Social Security number, date of birth, gender, and, if applicable, date of death
- If represented by an attorney, the law firm name, address and attorney contact information
- If claim is submitted by an official representative, provide the official representative's name, address, phone number, Social Security number, and official representative's capacity (i.e., administrator, executor, guardian, etc.)
 - Provide Letters of Administration or other proof of the official representative's capacity, if applicable pursuant to state law
- A short statement describing the nature of the injured party's asbestos-related disease, including date of diagnosis and date claim was established by verdict, judgment or settlement agreement
- A copy of the binding and judicially enforceable settlement agreement, court authenticated copy of the jury verdict, non-final judgment or final judgment (as applicable)
- The claim amount as fixed or liquidated under the settlement agreement or pursuant to the jury verdict or judgment. If a portion of the claim has already been satisfied and/or the Metex Asbestos PI Trust is not liable for payment of the entire claim amount, specify the unpaid portion of the claim which the injured party alleges the Metex Asbestos PI Trust is responsible for paying.
 - Note: The liquidated value of the claim shall not include any punitive or exemplary damages, except as otherwise provided in Section 7.4 of the TDP, but interest that has accrued as of the Commencement Date may be included if provided for under the terms of the settlement agreement or under applicable state law for settlements or judgments.
- For Medicare reporting purposes, state whether the injured party was exposed on or after December 5, 1980 to asbestos-containing products and/or conduct for which the injured party alleges Metex Mfg. Corporation (f/k/a Kentile Floors, Inc.) has legal responsibility.

To submit a Pre-Petition Liquidated Claim to the Metex Asbestos PI Trust, send the above information and documentation to:

Metex Asbestos PI Trust
c/o MFR Claims Processing, Inc.
115 Pheasant Run, Suite 112
Newtown, PA 18940