

NGC Bodily Injury Trust

Statute of Limitations Quick Reference Guide

Deadline for Filing Malignant Disease Claims

- Diagnosis and Date of Death prior to June 16, 1997
 - Applicable federal, state and foreign statute of limitations and repose for the Applicable Jurisdiction.
- Diagnosis or Date of Death after June 16, 1997
 - Three (3) years after the date of death.

Deadline for Filing Non-Malignant Disease Claims

- Diagnosis prior to June 16, 2000
 - Applicable federal, state and foreign statute of limitations and repose for the Applicable Jurisdiction.
- Diagnosis after June 16, 2000
 - Three (3) years after the later of (1) expiration of the tolling period (as described below) or (2) the date of diagnosis of the asbestos-related disease.

Applicable Jurisdiction:

- 1) the law of the state where the claimant has filed a lawsuit against ACMC or a co-defendant seeking recovery for an Asbestos Claim; or
- 2) in the event no such lawsuit has been filed, the law of the state in which the claimant was exposed to ACMC products or the state where the claimant resides.

Tolling Periods:

The filing deadlines set forth above shall be tolled for the following periods:

- Diagnosis prior to June 16, 2000
 - From June 16, 2000 through November 30, 2004
- Diagnosis after June 16, 2000
 - From June 16, 2000 through March 31, 2005
- Asbestos Claims filed against another defendant in the tort system
 - From the date such claim was filed in the tort system through date claim is resolved, either through litigation or settlement
- Asbestos Claims filed with the NGC Bodily Injury Trust
 - From the date a claim is filed with the Trust until (1) 180 days after determination is made to the Claimant by the Trust or (2) 90 days after the claimant rejects the award rendered in non-binding arbitration.
- Asbestos Claims filed with the NGC Bodily Injury Trust after September 5, 2012 (*Restated Exposure Policy*)
 - The calculation of the deadline to file a claim under §2.1c. or §2.1d. of the CRP will be tolled from September 5, 2012 through March 31, 2014.

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Examples for Malignant Claims:

- 1) If Living at time claim is filed, SOL never runs.
 - Example: If the Injured Party was diagnosed with Lung Cancer 6/1/1995 and the Injured Party was living when the claim was filed, claim passes SOL
- 2) If Deceased at time claim was filed and Dx Date and DOD prior to 6/16/1997, statute of limitations for the Applicable Jurisdiction applies and Dx Date used to calculate SOL.
 - Example: If the Injured Party was diagnosed with Lung Cancer 6/1/1995 and then passed away 6/1/1996, SOL would start running on Dx Date 6/1/1995 and state statute period applies. June 16, 2000 through November 30, 2004 tolling period applies.
- 3) If Deceased at time claim was filed and Dx Date or DOD after 6/16/1997, 3 year SOL period applies and DOD used to calculate SOL.
 - Example: If the Injured Party was diagnosed with Lung Cancer 6/1/1995 and then passed away 6/1/1998, SOL would start running on DOD 6/1/1998 and 3 year statute period applies. June 16, 2000 through November 30, 2004 tolling period applies.

Examples for Non-Malignant Claims with Diagnosis Date prior to June 16, 2000:

- 1) These claims are subject to the statute of limitations and repose for the Applicable Jurisdiction.
- 2) These claims are tolled from June 16, 2000 through November 30, 2004.

Examples for Non-Malignant claims with Diagnosis Date after June 16, 2000:

- 1) Diagnosis Date prior to March 31, 2005
 - If the Injured Party was diagnosed after June 16, 2000 but prior to March 31, 2005, the Injured Party has until March 31, 2008 to file their claim.
- 2) Diagnosis Date after March 31, 2005
 - If the Injured Party was diagnosed after March 31, 2005, the Injured Party has until three (3) years from the diagnosis date to file their claim.

Examples for Claims with an asbestos-related Lawsuit:

- 1) For a lawsuit that is still pending in the tort system, statute of limitations continues to be tolled from the lawsuit filed date.
- 2) For a lawsuit that has been resolved (closed) either through litigation or settlement, statute of limitations is tolled from the lawsuit filed date through the date the lawsuit was resolved.