

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

|   |   |   |
|---|---|---|
| In re:  | ) | Chapter 11                              |
|   | ) |   |
| THE FLINTKOTE COMPANY and<br>FLINTKOTE MINES LIMITED, | ) | Case No. 04-11300 (JKF)                 |
|   | ) | (Jointly Administered)                  |
|   | ) |   |
| Debtors.  | ) | <b>Related to Docket No. 3826, 4547</b> |
|   | ) |   |

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**NOTICE OF FILING AMENDMENT TO PLAN SUPPLEMENT TO AMENDED  
JOINT PLAN OF REORGANIZATION (AS MODIFIED)**

**PLEASE TAKE NOTICE** that on November 18, 2008, the Debtors filed the *Plan Supplement to Amended Joint Plan of Reorganization in Respect of The Flintkote Company and Flintkote Mines Limited* (the “Plan Supplement”) (Docket No. 3826).<sup>1</sup> On September 24, 2009, the Debtors filed the Notice of Filing Amendment to Plan Supplement to Amended Joint Plan of Reorganization (as Modified) (the “First Amendment”) (Docket No. 4547). Attached hereto as Exhibit A is a further amended version of the List of Settling Asbestos Insurance Companies previously filed as Attachment III to the Plan Supplement, as amended by Exhibit A to the First Amendment. Attached hereto as Exhibit B are the blacklined changes to the List of Settling Insurance Companies, compared to Exhibit A of the First Amendment.

The Plan Supplement provides that the initial List of Settling Asbestos Insurance Companies filed as Attachment III to the Plan Supplement “remains subject to further supplementation and/or amendment by the Plan Proponents.” The First Amendment reiterates that the Amended List of Settling Asbestos Insurance Companies filed as Exhibit A thereto “remains subject to further supplementation and/or amendment by the Plan Proponents.” The

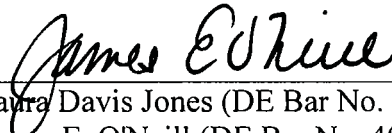
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<sup>1</sup> All capitalized terms used but not defined herein shall have the meanings ascribed to them in the Plan Supplement.

modifications to the List of Settling Asbestos Insurance Companies contained herein are pursuant to the request of the Settling Asbestos Insurance Companies and reflect agreed upon language with the Settling Asbestos Insurance Companies.

Dated: July 21, 2010

PACHULSKI STANG ZIEHL & JONES LLP



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Counsel to the Debtors and Debtors in Possession

## EXHIBIT A

### Amended List of Settling Asbestos Insurance Companies<sup>2</sup>

- (a) Mt. McKinley Insurance Company and Everest Reinsurance Company
- (b) Harper Insurance Limited
- (c) Century Indemnity Company (successor to both (i) CCI Insurance Company, successor to Insurance Company of North America and (ii) CIGNA Specialty Insurance Company f/k/a California Union Insurance Company), Central National Insurance Company of Omaha (with respect to policies issued through Cravens, Dargan & Co., Pacific Coast, as managing general agent), ACE INA Insurance Company f/k/a INA Insurance Company of Canada, ACE American Insurance Company f/k/a Cigna Insurance Company, and International Insurance Company
- (d) Liberty Mutual Insurance Company
- (e) English & American Insurance Company Limited
- (f) Highlands Insurance Company
- (g) Dominion Insurance Company Ltd; Stronghold Insurance Company Limited; Terra Nova Insurance Company Limited, n/k/a Markel International Insurance Company Limited; Compagnie Euro-Belge de Reassurances s. a.; AXA Belgium f/k/a “Royale Belge Incendie – Réassurance” société anonyme d’assurances
- (h) Central National Insurance Company
- (i) American Home Assurance Company and AIG Commercial Insurance Company of Canada solely in its capacity as reinsurer, on an assumption basis, of American Home Assurance Company
- (j) Fireman’s Fund Insurance Company, Fireman’s Fund Indemnity Company, and Associated Indemnity Corporation

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<sup>2</sup> This list remains subject to further supplementation and/or amendment by the Plan Proponents. Reference to the entities set forth herein as “Settling Asbestos Insurance Companies” is qualified in its entirety by (i) the definition of “Settling Asbestos Insurance Company” contained in Section 1.1.111 of the Modified Amended Plan, (ii) the definition of “Protected Party” contained in Section 1.1.101 of the Modified Amended Plan and (iii) the express terms of any Asbestos Insurance Settlement Agreement (as the same may be amended or modified from time to time in accordance with its terms) approved by Final Order of the Bankruptcy Court by and among the Debtor(s), on the one hand, and any entity listed above, on the other hand. The foregoing list does not, and is not intended to, identify each and every “Person” (including, without limitation, any predecessors-in-interest, successors-in-interest, parents, affiliates, subsidiaries, shareholders, directors or officers) who may be specified as a “Protected Party” in the Confirmation Order in accordance with the Modified Amended Plan and under the terms of any Asbestos Insurance Settlement Agreement approved by Final Order of the Bankruptcy Court.

- (k) OneBeacon America Insurance Company
- (l) Granite State Insurance Company
- (m) Lexington Insurance Company
- (n) National Union Fire Insurance Company of Pittsburgh, PA
- (o) La Société Anonyme Atlantique De Réassurances f/k/a L'Union Atlantique De Assurances S.A.
- (p) London Guarantee and Accident Company of New York
- (q) Continental Casualty Company
- (r) OIC Runoff Limited
- (s) "Aviva," as defined in Section I.d of the Settlement Agreement and Release By and Between The Flintkote Companies and Aviva Insurance Company of Canada (the "Aviva Settlement") (which settlement agreement is hereby designated as an Asbestos Insurance Settlement Agreement)<sup>3</sup>

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<sup>3</sup> Both the designation of "Aviva" as a Settling Asbestos Insurance Company and the designation of the Aviva Settlement as an Asbestos Insurance Settlement Agreement remain subject to Flintkote or, if formed, the Trust receiving payment of the Settlement Payment (as defined in the Aviva Settlement).

## **EXHIBIT B**

### **Amended List of Settling Asbestos Insurance Companies<sup>2</sup>**

- (a) Mt. McKinley Insurance Company and Everest Reinsurance Company
- (b) Harper Insurance Limited
- (c) Century Indemnity Company (successor to both (i) CCI Insurance Company, successor to Insurance Company of North America and (ii) CIGNA Specialty Insurance Company f/k/a California Union Insurance Company), Central National Insurance Company of Omaha (with respect to policies issued through Cravens, Dargan & Co., Pacific Coast, as managing general agent), ACE INA Insurance Company f/k/a INA Insurance Company of Canada, ACE American Insurance Company f/k/a Cigna Insurance Company, and International Insurance Company
- (d) Liberty Mutual Insurance Company
- (e) English & American Insurance Company Limited
- (f) Highlands Insurance Company
- (g) Dominion Insurance Company Ltd; Stronghold Insurance Company Limited; Terra Nova Insurance Company Limited, n/k/a Markel International Insurance Company Limited; Compagnie Euro-Belge de Reassurances s. a.; AXA Belgium f/k/a “Royale Belge Incendie – Réassurance” société anonyme d’assurances
- (h) Central National Insurance Company
- (i) American Home Assurance Company and AIG Commercial Insurance Company of Canada solely in its capacity as reinsurer, on an assumption basis, of American Home Assurance Company
- (j) Fireman’s Fund Insurance Company, Fireman’s Fund Indemnity Company, and Associated Indemnity Corporation

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<sup>2</sup> This list remains subject to further supplementation and/or amendment by the Plan Proponents. Reference to the entities set forth herein as “Settling Asbestos Insurance Companies” is qualified in its entirety by (i) the definition of “Settling Asbestos Insurance Company” contained in Section 1.1.111 of the Modified Amended Plan, (ii) the definition of “Protected Party” contained in Section 1.1.101 of the Modified Amended Plan and (iii) the express terms of any Asbestos Insurance Settlement Agreement (as the same may be amended or modified from time to time in accordance with its terms) approved by Final Order of the Bankruptcy Court by and among the Debtor(s), on the one hand, and any entity listed above, on the other hand. The foregoing list does not, and is not intended to, identify each and every “Person” (including, without limitation, any predecessors-in-interest, successors-in-interest, parents, affiliates, subsidiaries, shareholders, directors or officers) who may be specified as a “Protected Party” in the Confirmation Order in accordance with the Modified Amended Plan and under the terms of any Asbestos Insurance Settlement Agreement approved by Final Order of the Bankruptcy Court.

- (k) OneBeacon America Insurance Company
- (l) Granite State Insurance Company
- (m) Lexington Insurance Company
- (n) National Union Fire Insurance Company of Pittsburgh, PA
- (o) La Société Anonyme Atlantique De Réassurances f/k/a L'Union Atlantique De Assurances S.A.
- (p) London Guarantee and Accident Company of New York
- (q) Continental Casualty Company
- (r) OIC Runoff Limited
- (s) “Aviva,” as defined in Section I.d of the Settlement Agreement and Release By and Between The Flintkote Companies and Aviva Insurance Company of Canada (the “Aviva Settlement”) (which settlement agreement is hereby designated as an Asbestos Insurance Settlement Agreement)<sup>3</sup>

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<sup>3</sup> Both the designation of “Aviva” as a Settling Asbestos Insurance Company and the designation of the Aviva Settlement as an Asbestos Insurance Settlement Agreement remain subject to Flintkote or, if formed, the Trust receiving payment of the Settlement Payment (as defined in the Aviva Settlement).

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

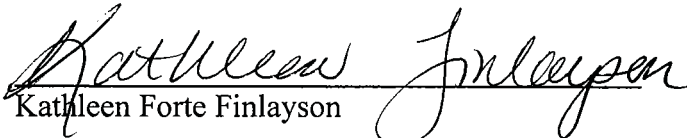
In re: ) Chapter 11  
)  
THE FLINTKOTE COMPANY and, )  
FLINTKOTE MINES LIMITED, ) Case No. 04-11300 (JKF)  
) (Jointly Administered)  
Debtors. )

**AFFIDAVIT OF SERVICE**

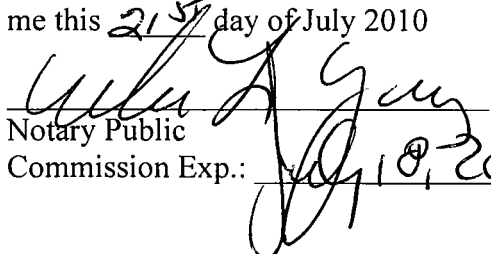
STATE OF DELAWARE )  
) ss:  
COUNTY OF NEW CASTLE )

Kathleen Forte Finlayson, being duly sworn according to law, deposes and says that she is employed by the law firm of Pachulski Stang Ziehl & Jones LLP attorneys for the Debtors in the above-captioned action, and that on the 21<sup>st</sup> day of July 2010 she caused a copy of the following document(s) to be served upon the parties on the attached service list in the manner indicated:

*Notice of Filing Amendment to Plan Supplement to Amended  
Joint Plan of Reorganization (As Modified)*

  
Kathleen Forte Finlayson

Sworn to and Subscribed before  
me this 21<sup>st</sup> day of July 2010

  
Notary Public  
Commission Exp.: July 18, 2011

**DEBRA L. YOUNG**  
**NOTARY PUBLIC**  
**STATE OF DELAWARE**  
My commission expires July 18, 2011

**The Flintkote Company 2002 Service List**

Case No. 04-11300  
Document No. 92945  
10 –Hand Delivery  
28 –First Class Mail

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