

Edgar Filing: AMERICAN BILTRITE INC - Form 8-K

AMERICAN BILTRITE INC
Form 8-K
May 24, 2007

UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
WASHINGTON, D.C. 20549

FORM 8-K
CURRENT REPORT

Pursuant to Section 13 or 15(d) of the
Securities Exchange Act of 1934

Date of Report (Date of earliest event reported) May 18, 2007

AMERICAN BILTRITE INC.

(Exact Name of Registrant as Specified in Charter)

| | | |
|---|-----------------------|--------------------------------------|
| Delaware | 1-4773 | 04-1701350 |
| ----- | ----- | ----- |
| (State or other jurisdiction of Incorporation) | (Commission File No.) | (IRS Employer Identification No.) |

57 River Street, Wellesley Hills, Massachusetts 02481-2097

(Address of principal executive offices, including zip code)

(781) 237-6655

(Registrant's telephone number, including area code)

Not Applicable

(Former name or former address, if changed since last report)

Check the appropriate box below if the Form 8-K filing is intended to
simultaneously satisfy the filing obligation of the registrant under any of the
following provisions:

- Written communications pursuant to Rule 425 under the Securities Act (17
CFR 230.425)
- Soliciting material pursuant to Rule 14a-12 under the Exchange Act (17 CFR
240.14a-12)
- Pre-commencement communications pursuant to Rule 14d-2(b) under the
Exchange Act (17 CFR 240.14d-2(b))
- Pre-commencement communications pursuant to Rule 13e-4(c) under the
Exchange Act (17 CFR 240.13e-4(c))

Item 8.01 Other Events.

On May 18, 2007, the Superior Court of New Jersey, Law Division Middlesex County
issued an opinion in connection with the first phase of the New Jersey insurance

Edgar Filing: AMERICAN BILTRITE INC - Form 8-K

coverage litigation that American Biltrite Inc.'s majority-owned subsidiary Congoleum Corporation ("Congoleum") is party against certain of Congoleum's insurance carriers. In the opinion, the court ruled that the defendant insurers have no coverage obligations with respect to the claimant agreement that Congoleum entered into in 2003 with various asbestos personal injury claimants as part of Congoleum's strategy to resolve its asbestos claims liability through confirmation of a pre-packaged plan of reorganization under Chapter 11 of the United States Bankruptcy Code. A copy of the opinion is attached hereto as Exhibit 99.1.

For further information regarding the claimant agreement and the New Jersey insurance coverage litigation Congoleum is party to against certain of its insurance carriers, and the risks and uncertainties surrounding these matters and Congoleum's pursuit of a plan of reorganization under Chapter 11 of the United States Bankruptcy Code, see American Biltrite Inc.'s Annual Report on Form 10-K for the year ended December 31, 2006 and its subsequent filings with the Securities and Exchange Commission, including its Quarterly Report on Form 10-Q for the quarter ended March 31, 2007.

On December 31, 2003, Congoleum filed a voluntary petition with the United States Bankruptcy Court for the District of New Jersey (Case No. 03-51524) seeking relief under Chapter 11 of the United States Bankruptcy Code as a means to resolve claims asserted against it related to the use of asbestos in its products decades ago.

Item 9.01 Financial Statements and Exhibits.

(d) Exhibits

| EXHIBIT NO. | DESCRIPTION |
|-------------|--|
| 99.1 | Opinion of the Superior Court of New Jersey, Law Division Middlesex County, dated May 18, 2007 |

SIGNATURES

Pursuant to the requirements of the Securities Exchange Act of 1934, the registrant has duly caused this report to be signed on its behalf by the undersigned hereunto duly authorized.

AMERICAN BILTRITE INC.

Date: May 24, 2007

By: /s/ Howard N. Feist III

Name: Howard N. Feist III
Title: Chief Financial Officer

Exhibit Index

| EXHIBIT NO. | DESCRIPTION |
|-------------|--|
| 99.1 | Opinion of the Superior Court of New Jersey, Law Division Middlesex County, dated May 18, 2007 |