IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ROBERT F. COCKERILL, OLIVER MAJOR, and DARRELL D. BENSON, SR., individually and as representatives on behalf of a class of similarly situated persons, Plaintiffs, vs. CORTEVA, INC.; DUPONT SPECIALTY PRODUCTS USA, LLC; DUPONT DE NEMOURS, INC.; E.I. DU PONT DE NEMOURS AND COMPANY; THE PENSION AND RETIREMENT PLAN; THE BENEFIT PLANS ADMINISTRATIVE COMMITTEE, Defendants.	Case No.: Case No. 2:21-cv-03966-MMB **[PROPOSED] ORDER FOR CLARIFICATION**

[PROPOSED] ORDER

AND NOW, this _____day of 2026, having considered the Plaintiffs' Time Sensitive Motion for Clarification it is hereby **ORDERED** that said Motion is **GRANTED.** Early Retirement Class Members may terminate their employment within 120 days of this Order and elect a retroactive benefit as of any date on or after June 1, 2019, after they turned age 50 provided they were still working for New DuPont upon attaining the age of 50. Defendants are ordered to provide Alight with copies of this Court's Orders found on the docket at ECF Nos. 405, 411, 463, 466 and this Order and otherwise provide clear instructions to Alight consistent with this Court's Orders in all respects.

BY THE COURT:

_____
MICHAEL M. BAYLSON, U.S.D.J.

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Plaintiffs Robert F. Cockerill, Oliver Major, and Darrell D. Benson, Sr., individually and on behalf of the class members ("Plaintiffs"), hereby move for immediate clarification regarding the Court's Orders at ECF Nos. 405 and 411, and for an order directing Defendants to abide by this Court's orders and instruct any of the Plan's service providers consistent with this Court's Orders. This motion is labeled time sensitive because the affected class members have only 120 days from December 18, 2025, to make elections including whether to terminate their employment, a very important decision that could affect the livelihood of these class members and their families.

BACKGROUND FACTS

On May 27, 2025, this Court issued its Order Re: Dispute Over Remedies (ECF No. 405, ¶ VI) ruling that:

> Early Retirement Class Members who wish to commence the benefit due to them because of the final judgment in this case must cease employment with their current employer to commence such benefit.

> Plaintiffs only argument against this was that some employees of Defendants were permitted to "double dip," but this was not intended by Defendants, rather, was due to a lack of disclosure of relevant facts. The plain English meaning of "retirement" is to stop working for an employer. Future "double dipping" is not necessary or appropriate.

On May 30, 2025, this Court issued its Final Judgment (ECF No. 411) ruling that:

> Defendants' Benefits Administration Committee shall prepare and implement a plan to effectuate all of the Court's conclusions and provide the required benefits to members of the classes as previously certified. *Class Members shall be permitted to elect benefits effective on any date from the date of the spin-off forward, unless otherwise agreed by the parties*. (emphasis added).

The underlined portion of the Final Judgment (ECF No. 411) is not ambiguous.

Subsequently, on December 15, 2025, this Court issued an Order (ECF No. 466), stating that "Defendants' newly raised objection concerning retroactivity is no grounds to delay sending Class Notices because it is untimely and further, it was previously ruled upon by the Court."[1]

Notwithstanding these two previous Orders ruling that Early Retirement Class members can elect benefits on any date from the spin-off forward upon obtaining age 50, Plaintiffs recently learned that Defendants had, for at least the second time, reinterpreted these Orders to mean that if an Early Retirement Class Member wishes to elect a retroactive benefit that Early Retirement Class Member may only do so back to the date of their termination of employment with New DuPont. The notion that retroactive benefits are only available to Early Class Members back to the date of their termination of employment with New DuPont is illogical and expressly contradicts prior Orders of this Court finding that "Class Members shall be permitted to elect benefits effective

[1] See also ECF No. 467 which is an email from Special Master Richard Bazelon to the Court explaining that Defendants had raised the issue that certain early retirement class members could not seek retroactive benefits. Those issues are set forth more fully herein.

on any date from the date of the spin-off forward, unless otherwise agreed by the parties." ECF No. 411.

Under Defendants' illogical re-interpretation, if Mr. Cockerill (who is still working for New DuPont) wanted to elect a retroactive benefit, albeit at a reduced amount, he would be told that he cannot do so and that his Early Retirement benefit could only be forward-looking, commencing upon termination of his employment with New DuPont. It means that if Daniel Barish (who is no longer working for New DuPont) wanted to elect a retroactive benefit to age 50, he would be told he cannot do so and that his Early Retirement benefit election could only date back as far as the termination of his employment with New DuPont on November 1, 2022, and not to August 1, 2019, the date he obtained the age of 50 while still employed by New DuPont.

Plaintiffs were made aware of this illogical re-interpretation the first time when the Special Master reached out to the parties on December 10, 2025, to see if the Early Retirement Notice of Final Judgment could be improved to better explain to Early Retirement Class Members how future elections should be made.

As such, the parties (together with Special Master Bazelon) spent many hours negotiating this issue, culminating in revised worksheets that were sent out to the Early Retirement class members by Alight on December 24, 2025. The revised worksheets stated:

For those class members who have commenced their pension:

		Sample Calculation	Your Calculation	Additional Details
F	Requested Benefit Commencement Date ("BCD")			This value can be the same as your original commencement date, or different, but must be the first of any month on or after you attained age 50 while employed by New DuPont or one of its wholly owned subsidiaries.

For those class members who have not commenced their pension:

		Sample Calculation	Your Calculation	Additional Details
D	Requested Benefit Commencement Date ("BCD")			This value must be the first of any month on or after you attained age 50 while employment by New DuPont or one of its wholly owned subsidiaries.

Since May 2025[2], Plaintiffs have always understood that an Early Retirement class member must "cease employment" to commence their benefit *prospectively* to prevent *future* double dipping whether they are electing a retroactive, current, or future retirement. In other words, if an Early Retirement Class Member wants to elect a retroactive benefit they must cease employment within 120 days from the date of the Notice but may elect a benefit that commences on any date *from the spin-off forward* (provided they reached age 50 while employed by New DuPont). Defendants' communications with Early Retirement Class Members must be corrected to reflect this Court's Orders.

Plaintiffs' counsel believed that this issue of retroactive elections had been definitively resolved by the Court's Orders at ECF No. 411 and ECF No. 466 and also by prior agreement leading up to the revisions to the work sheets that were mailed to Class Members by the Plan Administrator on December 24, 2015. After recently being contacted by an Early Class Member who had been provided with erroneous information about his planned retroactive election,

[2] See ECF No. 405, ¶ VI ("Early Retirement Class Members who wish to commence the benefit due to them because of the final judgment in this case must cease employment with [New DuPont and its wholly owned subsidiaries] to commence such benefit."); ECF No. 411 ("Class Members shall be permitted to elect benefits effective on any date from the date of the spin-off forward, unless otherwise agreed by the parties.")

Plaintiffs brought this matter to Defendants' attention immediately and also informed the Special Master.

Plaintiffs met and conferred with Defendants on January 28, 2026 about this dispute and were unable to reach a resolution. Plaintiffs' counsel informed the Special Master about the impasse and informed him that Plaintiffs believed that an urgent and immediate motion for clarification was in the best interests of the Early Retirement Class members and given that this issue had already been addressed by Special Master Bazelon (ECF No. 467) and this Court (ECF No. 466) revisiting the issue without a clarifying Order would be futile.

LEGAL ARGUMENT

"The general purpose of a motion for clarification is to explain or clarify something ambiguous or vague." *Resol. Trust Corp. v. KPMG Peat Marwick*, No. 92-1373, 1993 WL 211555, at *2 (E.D. Pa. June 8, 1993). Given that the parties dispute the meaning of the Court's Orders at ECF Nos. 405 and 411, Plaintiffs seek clarification of the retroactive benefits to Early Retirement Class Members.

Plaintiffs specifically seek clarification that Early Retirement Class Members may terminate their employment with their current employer [New DuPont] and elect a retroactive benefit effective on any date from the spin-off forward, provided they reached age 50 while employed by New DuPont. This is consistent with the Court's use of the present tense wording in both orders (ECF Nos. 405, 411) that Early Retirement Class Members must "cease" employment with a "current" employer to prevent "future" double dipping. Even though a participant might receive a lump sum for the retroactive election, the participant would not be "double dipping" in the future because they will have ceased employment with New DuPont.

CONCLUSION

For the reasons stated herein, Plaintiffs respectfully request that the Court clarify that Early Retirement Class Members may elect a retroactive benefit calculated back to any date on or after the spin-off on June 1, 2019 after they reach age 50, provided they reached age 50 while still employed by New DuPont. Any Early Retirement Class Member seeking a retroactive benefit must terminate employment with New DuPont before commencing those retirement benefits.

Due to the misinformation provided to Class Members by Defendants directly or through Alight, Plaintiffs request that the Court extend the time for the affected class members to make an election for benefits. Plaintiffs request that the deadline for Early Retirement Class Members to make an election for benefits be extended to 120 days from the date of an order granting this Motion (or for whatever additional period of time this Court deems just, proper and equitable). This will allow time to rectify any confusion and allow these Plan participant class members to make informed decisions.

Dated: January 29, 2026

Respectfully submitted,

By: */s/ Edward S. Stone*

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CERTIFICATE OF SERVICE

I hereby certify that January 29, 2026, a true and correct copy of the foregoing was filed using the Court's CM/ECF system, and thereby served copies of same on counsel for all parties of record registered with the ECF system.

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