

**YOU ARE RECEIVING THIS NOTICE BECAUSE YOU ARE ENTITLED TO ADDITIONAL
DISABILITY RETIREMENT BENEFITS FROM THE CARPENTERS PENSION TRUST FUND –
DETROIT AND VICINITY PENSION PLAN**

If you are a Participant in the Carpenters Pension Trust Fund – Detroit and Vicinity Pension Plan (the “Plan”) and you commenced receiving a **DISABILITY RETIREMENT BENEFIT** from the Plan on or after September 1, 2008 and were still receiving such benefit on August 1, 2013 when your DRB was reduced, you are a member of a Class certified by a federal court in a lawsuit pending against the Plan and its Trustees (collectively, the “Defendants”). **Pursuant to the federal court’s ruling on September 15, 2014 in favor of the Class, you are entitled to disability retirement benefits unlawfully withheld by Defendants.** You received this Notice because the Defendants’ records indicate you are a member of the Class. If you wish to separately bring the same claim as the claim against the Defendants pending in the federal lawsuit, and you request to be removed from the Class by following the instructions in Part IV of this Notice, the court will exclude you from the Class. Your request for exclusion must be postmarked or received by Class Counsel **no later than January 10, 2015**. If you do nothing, you will be bound by any final judgment entered by the court, favorable or unfavorable, or any settlement approved by the court. **IF YOU HAVE ANY QUESTIONS CONCERNING THIS NOTICE, PLEASE CALL CLASS COUNSEL, EVA CANTARELLA, AT (248) 335-5000, OR EMAIL MS. CANTARELLA AT ECANTARELLA@HERTZSCHRAM.COM.** The Honorable Laurie J. Michelson of the United States District Court for the Eastern District of Michigan approved this Notice. This is not a solicitation from an attorney.

ANSWERS TO COMMON QUESTIONS

- Q: Why did I receive this Notice?
A: The Defendants’ records indicate you are a member of the Class.
- Q: What is the Claim?
A: The Trustees of the Plan adopted an amendment that unlawfully reduced the disability retirement benefits of Participants who were receiving such benefits on August 1, 2013.
- Q: Why should I continue to read this Notice?
A: If you want to be excluded from the Class, you must follow the instructions in Part IV of this Notice and make such request on or before January 10, 2015.
- Q: Is there any money available now?
A: No, but the court has ruled that the reduction was unlawful. Following entry of a judgment by the court, the Defendants must decide if they will appeal the court’s ruling or, instead, pay the disability retirement benefits unlawfully withheld.

WHAT THIS NOTICE INCLUDES

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THIS NOTICE RELATES TO A CLASS ACTION LAWSUIT (THE “ACTION”), CAPTIONED *UNDERWOOD v. CARPENTERS PENSION TRUST FUND – DETROIT AND VICINITY PENSION PLAN* (“Plan”) AND *THE TRUSTEES OF THE PLAN*, CASE NO. 2:13-cv-14464, IN WHICH THE COURT ENTERED AN ORDER ON SEPTEMBER 15, 2014 GRANTING SUMMARY JUDGMENT IN FAVOR OF A CLASS OF PARTICIPANTS OF THE PLAN WHOSE DISABILITY RETIREMENT BENEFITS WERE UNLAWFULLY REDUCED BY AN AMENDMENT TO THE PLAN, EFFECTIVE AUGUST 1, 2013. THIS NOTICE CONTAINS IMPORTANT INFORMATION RELATING TO YOUR RIGHTS AS A MEMBER OF THE CLASS.

YOU MAY EXCLUDE YOURSELF FROM THE CLASS IN THE MANNER DESCRIBED IN PART IV OF THIS NOTICE IF YOU DO NOT WISH TO BE BOUND BY THE FINAL OUTCOME OF THE ACTION, OR IF YOU WISH TO SEPARATELY SUE THE DEFENDANTS ON THE SAME CLAIM ASSERTED IN THE ACTION. IF YOU DO NOT EXCLUDE YOURSELF FROM THE CLASS, YOU MAY OBTAIN ADDITIONAL DISABILITY RETIREMENT BENEFITS FROM THE PLAN THAT THE NAMED PLAINTIFF, THOMAS UNDERWOOD (“UNDERWOOD”), HAS ARGUED THE DEFENDANTS MUST PAY IN LIGHT OF THE COURT’S RULING THAT THEY UNLAWFULLY REDUCED SUCH BENEFITS. YOUR REQUEST TO BE REMOVED FROM THE CLASS MUST BE POSTMARKED OR RECEIVED BY CLASS COUNSEL **NO LATER THAN JANUARY 10, 2015**, OR YOU WILL BE BOUND BY ANY FINAL JUDGMENT ENTERED IN THE ACTION. ALL QUESTIONS CONCERNING THIS NOTICE MUST BE DIRECTED TO CLASS COUNSEL IDENTIFIED IN PART IV BELOW, AND NOT TO THE CLERK OF THE COURT, THE DEFENDANTS, OR THE ATTORNEYS FOR THE DEFENDANTS.

I. THE PURPOSE OF THIS NOTICE

A. The purpose of this Notice is to inform you of the status of the Action, and your rights as a member of the Class that has been certified by the Court.

B. This Notice is given pursuant to an Order of the Honorable Laurie J. Michelson of the United States District Court for the Eastern District of Michigan.

C. This Notice summarizes the claim asserted by Underwood on behalf of the Class and rulings by the Court on such claim in favor of the Class.

D. You may remove yourself from the Class by “opting out” in the manner described in Part IV of this Notice. The Court will exclude from the Class any member who requests exclusion. Your “opt out” notice must be postmarked, or received by Class Counsel identified in Part IV, **no later than January 10, 2015**. If you do not opt out of the Class, you will be unable to assert the same claim against the Defendants in a separate lawsuit. As importantly, you will remain in the Class until the Action is concluded and you will be bound by any final judgment entered by the Court in favor of the Class or in favor of Defendants or by any settlement approved by the Court.

E. You may enter an appearance in the Action through an attorney if you so desire.

II. DEFINITION OF THE CLASS

By Order entered on September 15, 2014, the Court determined that the Action would be maintained as a Class Action, and that the Class members are the following individuals: “all persons who commenced receiving disability benefits from Carpenters Pension Trust Fund – Detroit and Vicinity Pension Plan on or after September 1, 2008 and who were receiving those disability benefits on August 1, 2013.” You received this Notice because the Defendants’ records indicate you are a member of the Class.

III. DESCRIPTION OF THE ACTION

A. Underwood’s Claims and the Findings of the Court.

On October 24, 2013, Underwood instituted the Action against the Defendants. Underwood brought the Action as a Class Action, meaning that he brought it on behalf of himself and all similarly situated persons. In his Complaint, Underwood claimed that the Defendants adopted an amendment to the Plan (the “Reduction Amendment”), effective August 1, 2013, that unlawfully (i) reduced the disability retirement benefit (the “DRB”) payable to disabled Participants who commenced receiving the DRB on or after September 1, 2008, and (ii) conditioned continued eligibility for the DRB on the Participant obtaining a Social Security disability award on or before July 31, 2014. Underwood maintained that Section 10.4 of the Plan prohibited any amendment to the Plan that reduced benefits payable to a Participant who was receiving benefits on the date the amendment became effective.

Defendants filed a motion to dismiss Underwood’s Complaint, arguing that Section 10.4 permitted amendments that reduced certain types of benefits, such as the DRB. In response to the Defendants’ motion to dismiss the Complaint, Underwood filed a motion for summary judgment in which he requested that the Court enter a judgment in his favor because Section 10.4, by its unambiguous terms, prohibits any amendment to the Plan that reduce “the benefits of any person who is already receiving benefits on the date the amendment is effective.” In its Opinion and Order granting Underwood’s motion for summary judgment, issued September 15, 2014 (the “Summary Judgment Order”), the Court agreed with Underwood that the Reduction Amendment impermissibly reduced the DRB. The Court further ruled that, to the extent the Social Security disability eligibility requirement reduced the DRB of Class members who were receiving the DRB on August 1, 2013, that requirement also violated Section 10.4 of the Plan and is not enforceable.

Based on the Summary Judgment Order, Underwood has argued that the Court should order Defendants to (i) pay to each Class member, with respect to their DRB payment on or after August 1, 2013, the difference between the pre-Reduction Amendment DRB and the post-Reduction Amendment DRB, with interest on such sum at a rate to be determined by the Court; (ii) in the future, pay each Class member the full amount of the pre-Reduction Amendment DRB; and (iii) eliminate the requirement that a Class member obtain a Social Security disability award to be eligible for the DRB.

B. Certification of the Class.

Underwood also filed a motion for class certification in which he requested that the Court certify a class consisting of all persons who commenced receiving the DRB on or after September 1, 2008 and who were receiving the DRB on August 1, 2013. The Defendants opposed the motion, arguing that various individual issues precluded maintenance of the lawsuit as a class action. Defendants also stated that payment of the pre-Reduction Amendment DRB hurts the Plan’s funding and puts Participants’

non-disability pension benefits at peril. In response, Underwood argued that the Defendants failed to present any evidence that the number of persons in the proposed Class [now known to number between 306 and 315] represented a large percentage of the more than 18,000 Plan Participants so as to actually “hurt” the Plan’s funding status or put non-disability pension benefits at peril. In its Opinion and Order issued on September 15, 2014, the Court (i) certified the class proposed by Underwood, (ii) appointed Underwood as the Class representative, (iii) appointed Hertz Schram PC as Class Counsel, and (iv) ordered Defendants’ counsel to provide to Class Counsel a list of all persons who met the Class definition and their current contact information.

C. **Filing of Motions for Attorneys’ Fees and Prejudgment Interest**

On October 2, 2014, Underwood filed a motion for an award of attorneys’ fees and costs under Section 502(g) of ERISA, requesting that, in light of the Court’s ruling in favor of the Class, the Court require the Defendants to pay Class Counsel’s attorneys’ fees and costs incurred in prosecuting the Action. The motion also seeks an award of prejudgment interest on the benefits the Defendants unlawfully withheld. Lastly, Class Counsel asked the Court to award to Class Counsel (i) costs they incurred in prosecuting the Action, and (ii) attorneys’ fees equal to one-third (1/3rd) of the amount of any recovery obtained by the Class. Pursuant to a Stipulated Order entered by the Court on November 6, 2014, the motions for attorneys’ fees and costs have been withdrawn, but may be re-filed at a later date after all damages and liability issues have been resolved.

D. **What Happens Next**

Underwood has requested information from the Plan concerning the benefits paid and payable to each Class member prior and subsequent to the effective date of the Reduction Amendment, and will have an opportunity following production of such information to request, if necessary, additional information. When that process is completed, Underwood will ask the court to enter a Judgment consistent with the Summary Judgment Order. The Defendants may appeal the Judgment. If the Defendants appeal, it is estimated that the Action could continue for another eighteen (18) months unless the parties settle the dispute during that period. If no settlement is reached, you will continue to receive the reduced benefit, or no benefit at all if you failed to obtain a Social Security Disability award before August 1, 2014, **unless and until the appellate court affirms the Court’s ruling in favor of the Class.**

IV. **HOW TO REQUEST EXCLUSION FROM THE CLASS**

If you are a member of the Class, you will be bound by the terms of any final judgment entered by the Court whether in favor of the Class or in favor of the Defendants, or pursuant to a settlement agreement entered into by the parties, unless you timely make a written request to be excluded from the Class. If you wish to separately sue the Defendants over the same claim asserted by Underwood in the Action, you must request to be excluded from the Class in the manner provided in this Part IV. The Court will exclude from the Class any member who requests exclusion in accordance with this Part IV. Your request to be excluded must (i) be in writing and signed by you; (ii) contain the caption *Underwood v Carpenters Pension Trust Fund-Detroit and Vicinity Pension Plan and Trustees of the Plan*, Case No. 2:13-cv-14464; (iii) contain your full name, address and telephone number; and (iv) specifically request exclusion from the Class. **Requests to be excluded from the Class must be (i) sent by first class mail and postmarked, or (ii) personally served by hand-delivery, to Class Counsel, Hertz Schram, PC, 1760 Telegraph Road, Suite 300, Bloomfield Hills, MI 48302, Attn: Eva Cantarella, no later than January 10, 2015. If you do not want to be excluded from the Class, you do not need to do anything.**

V. CLASS COUNSEL CONTACT INFORMATION; CLASS MEMBERS' UPDATED ADDRESSES AND PERSONAL INFORMATION

IF THERE ARE ANY ERRORS OR MISTAKES IN YOUR NAME, CURRENT ADDRESS, SOCIAL SECURITY NUMBER OR OTHER INFORMATION REFLECTED IN EITHER THIS NOTICE OR OTHER DOCUMENTS TRANSMITTED BY CLASS COUNSEL, THE DEFENDANTS' ATTORNEYS, OR THE DEFENDANTS, IT IS IMPORTANT FOR YOU TO CORRECT THAT INFORMATION BY CALLING CLASS COUNSEL, **EVA CANTARELLA AT (248) 335-5000**; OR BY SENDING WRITTEN NOTIFICATION TO CLASS COUNSEL AT THE FOLLOWING POSTAL ADDRESS OR EMAIL ADDRESS:

HERTZ SCHRAM PC
ATTN: EVA CANTARELLA, ESQ.
1760 S. TELEGRAPH ROAD, SUITE 300
BLOOMFIELD HILLS, MI 48302

ECANTARELLA@HERTZSCHRAM.COM

ADDITIONALLY, IN ORDER TO PROVIDE CLASS COUNSEL ANOTHER MEANS OF COMMUNICATING WITH YOU, CLASS COUNSEL REQUESTS (BUT DOES NOT REQUIRE) YOUR EMAIL ADDRESS (OR THE EMAIL ADDRESS OF A FRIEND, SPOUSE OR RELATIVE YOU TRUST TO COMMUNICATE TO YOU THE CONTENT OF ANY EMAILS FROM CLASS COUNSEL).

VI. EXAMINATION OF PAPERS AND INQUIRIES

Any questions you have concerning the matters contained in this Notice should **NOT** be submitted to the Court, the Defendants or the Defendants' attorneys, but should be directed to Class Counsel, Eva Cantarella, Esq. at Hertz Schram PC, in any manner described in Part V, above. You may, of course, seek the advice and guidance of your own attorney if you desire and you may enter an appearance in the Action through your attorney. Certain pleadings and other records of the Action may be examined and copied at any time during regular office hours at the Office of the Clerk, Civil Division, United States District Court for the Eastern District of Michigan, Southern Division, Theodore Levin United States Courthouse, 231 W. Lafayette Blvd., Detroit, MI 48226. The following documents may be found on Class Counsel's website, at www.hertzschr.com:

1. Plaintiff's Complaint;
2. Opinion and Order Granting Plaintiff's Motion to Certify Class; and
3. Opinion and Order Denying in Part and Granting in Part Defendants' Motion to Dismiss and Denying in Part and Granting in Part Plaintiff's Motion for Summary Judgment.