



UFCW UNIONS AND EMPLOYERS LEGAL ASSISTANCE FUND

**SUMMARY PLAN DESCRIPTION
FOR THE
UNITED FOOD AND COMMERCIAL WORKERS UNIONS
AND
EMPLOYERS LEGAL ASSISTANCE FUND**

Revised October 1, 2023

TO OBTAIN LEGAL SERVICE BENEFITS, CALL OR WRITE:

IN GEORGIA

United Food & Commercial Workers Unions & Employers Legal Assistance Fund – Legal Fund
Office
3302 McGinnis Ferry Road, Suite 101
Suwanee, GA 30024
678.714.3526 or 1.800.282.8740

FOR ALL OTHER STATES

Contact the Legal Fund Office at 1.800.282.8740 to find out how to obtain legal services

ADMINISTRATIVE MANAGER

Mark J. Murphy
UFCW Unions and Employers Benefits Administration, LLC (the “LLC”)

FUND ATTORNEY

Slevin & Hart, P.C.

FUND AUDITOR

Calibre, C.P.A., LLC

FUND CONSULTANT

BHA Consulting LLC

PLAN ADMINISTRATOR

Board of Trustees

FUND OFFICE

United Food & Commercial Workers Unions & Employers Legal Assistance Fund
1740 Phoenix Parkway Atlanta, GA 30349-5559
770.997.9910 or 1.800.241.3473

UFCW UNIONS AND EMPLOYERS LEGAL ASSISTANCE FUND

1740 Phoenix Parkway Atlanta, GA 30349-5559

770.997.9910 or 1.800.241.3473

January 2024

TO ELIGIBLE PARTICIPANTS:

This Summary Plan Description briefly describes the provisions of the United Food and Commercial Workers Unions and Employers Legal Assistance Fund which was established as a result of Collective Bargaining between your Employer and your Local Union.

The purpose of the Plan is to provide you and your eligible Dependents (as defined) with valuable legal assistance in the event that you should require the services of an Attorney for advice or consultation or certain court appearances. Legal assistance includes many different services as detailed further in this booklet and generally provides for representation and consultation regarding: 1) Domestic Relations and Family Law, 2) Debtor/Creditor Relations, 3) Criminal, DUI, or Traffic, 4) Real Property, and 5) Wills and Estates. A complete list of the services offered is contained in the schedule of benefits. Note that some of these services are only performed by outside attorneys and therefore you should call the Fund to find out your eligibility for these services and who can provide the services you need.

The Plan is administered by a Joint Board of Trustees, one half of whom are appointed by the participating Employers and one half of whom are appointed by UFCW Local 1996. The Board of Trustees, with the assistance of an Administrative Manager, Fund Attorney, Fund Auditor, and Fund Consultant are responsible for the operation of the Plan.

The Trustees are pleased to provide you with the protections afforded by this unique Plan and encourage you to use these benefits. We hope that you will find additional security in the fact that these benefits are available for you and your eligible Dependents, exclusively.

Sincerely,

The Board of Trustees

UNION TRUSTEES

Eric Taylor
Maria Davenport
Ralph Porras

EMPLOYER TRUSTEES

Peggy Prescott
Donald Sattler
Rebecca Clark

ALTERNATE UNION TRUSTEE

Eric Lomax

ALTERNATE EMPLOYER TRUSTEE

Michelle Vickers

TABLE OF CONTENTS

<u>IMPORTANT INFORMATION ABOUT YOUR PLAN</u>	1
<u>IMPORTANT PLAN PROVISIONS</u>	4
<u>DEFINITIONS</u>	5
<u>ELIGIBILITY RULES</u>	6
<u>HOW TO USE THIS PLAN</u>	8
<u>EXPLANATION OF PLAN BENEFITS</u>	8
<u>SCHEDULE OF BENEFITS</u>	9
<u>EXCLUSIONS AND LIMITATIONS</u>	16
<u>CLAIMS APPEAL PROCEDURE</u>	18
<u>STATEMENT OF YOUR RIGHTS</u>	19

IMPORTANT INFORMATION ABOUT YOUR PLAN

The Employee Retirement Income Security Act of 1974 requires that certain information be furnished to each participant in an Employee Benefit Plan.

NAME OF FUND This Fund is known as the United Food and Commercial Workers Unions and Employers Legal Assistance Fund.

TYPE OF FUND The Fund is a multiemployer welfare plan designed to provide legal services benefits.

BOARD OF TRUSTEES A Board of Trustees is responsible for the operation of this Fund. The Board of Trustees consists of Employer and Union representatives, selected by the Employers and UFCW Local 1996. You may contact the Board of Trustees at the following address:

Board of Trustees of the UFCW Unions and Employers Legal Assistance Fund
1740 Phoenix Parkway
Atlanta, GA 30349-5559
770.997.9910 or 1.800.241.3473

The Board of Trustees is both the Plan Sponsor and the Plan Administrator. As of October 1, 2023, the Trustees of this Fund are:

UNION TRUSTEES

Eric Taylor, President
UFCW Local 1996
3302 McGinnis Ferry Road, Suite 201
Suwanee, GA 30024

Maria Davenport
UFCW Local 1996
3302 McGinnis Ferry Road, Suite 201
Suwanee, GA 30024

Ralph Porras
UFCW Local 1996
3302 McGinnis Ferry Road, Suite 201
Suwanee, GA 30024

ALTERNATE UNION TRUSTEE
Eric Lomax
UFCW Local 1996
3302 McGinnis Ferry Road, Suite 201
Suwanee, GA 30024

EMPLOYER TRUSTEES

Peggy Prescott
The Kroger Company
3155 Royal Drive, Suite 100
Alpharetta, GA 30022

Donald Sattler
The Kroger Company
1014 Vine Street
Cincinnati, OH 45202

Rebecca Clark
The Kroger Company
3155 Royal Drive, Suite 100
Alpharetta, GA 30022

ALTERNATE EMPLOYER TRUSTEE
Michelle Vickers
The Kroger Company
3155 Royal Drive, Suite 100
Alpharetta, GA 30022

PLAN ADMINISTRATOR The Board of Trustees is the Plan Administrator. The Board of Trustees is responsible for making the decisions regarding the operation of the Fund. As the named fiduciary of the Fund, the Board of Trustees is subject to the requirements of a federal law, the Employee Retirement Income Security Act of 1974, as amended ("ERISA"). The Trustees are also responsible under ERISA for reporting Fund information to government agencies and disclosing information to Fund participants and beneficiaries.

PARTICIPATING EMPLOYERS AND UNIONS Fund participants and beneficiaries may examine a complete list of the Employers participating in the Fund and may obtain a copy of such list for a reasonable charge by writing to the Board of Trustees at the address listed on the inside cover of this booklet. UFCW Local 1996 is the Union affiliated with the Fund.

IDENTIFICATION NUMBERS The identification number assigned to the Board of Trustees by the Internal Revenue Service is 58-1359792.

AGENT FOR SERVICE OF LEGAL PROCESS If legal disputes involving the Fund arise, any legal documents should be served upon:

UFCW Unions and Employers Benefits Administration, LLC
1740 Phoenix Parkway
Atlanta, GA 30349-5559

COLLECTIVE BARGAINING AGREEMENTS The Fund is maintained pursuant to Collective Bargaining Agreements. Fund participants and beneficiaries may examine these Agreements and may obtain a copy of any such agreement for a reasonable charge by writing to the Board of Trustees at the address listed on the inside cover of this booklet.

SOURCE OF CONTRIBUTIONS The Fund's benefits for covered Employees are provided through Employer contributions. The amount of Employer contributions is determined by the provisions of the Collective Bargaining Agreements or other applicable written agreements.

PLAN YEAR Each 12-month period ending on December 31 consists of an entire year for the purposes of accounting and all other reports to the United States Department of Labor and other regulatory bodies.

TRUST FUND All assets are held in trust by the Board of Trustees. The Fund's assets are used for the purpose of providing benefits to participants and covering reasonable administrative expenses.

TYPES AND PROVIDERS OF BENEFITS This Fund provides legal assistance benefits. The Fund maintains its own legal office in Atlanta. Legal assistance benefits generally include representation and consultation regarding the following issues: 1) Domestic Relations and Family Law, 2) Debtor/Creditor Relations, 3) Criminal, DUI, or Traffic, 4) Real Property, and 5) Wills and Estates. A detailed schedule of benefits begins on page 9. This schedule is subject to change, and no vested right is established in any benefit included in this SPD. The Board of Trustees has the full discretion to determine the schedule of benefits and modify, eliminate or add benefits to

the maximum extent permitted by law. You should contact the Fund Office before incurring expenses for legal services in order to verify that the Fund will reimburse these expenses.

IMPORTANT PLAN PROVISIONS

NO AGENT MAY INTERPRET THE PLAN Only the full Board of Trustees can issue Plan interpretations. If you would like any of the provisions of this booklet or any of the Plan documents clarified, please contact the Legal Fund Office at 678.714.3526 or 1.800.282.8740. Any interpretation of the Board of Trustees shall be binding and is entitled to the maximum deference permitted by law.

NO GUARANTEE OF BENEFITS None of the benefits provided under this Plan are guaranteed by the Board of Trustees, any participating Employer, Union or any other individual or entity. The Fund's benefits may be provided only from assets in the Fund that are collected and available for such purposes. The Board of Trustees reserves the right to interpret, amend, modify or terminate all or a part of this Plan and to take any action it deems necessary to preserve the financial stability of the Fund.

DOCUMENTS CONTROL This booklet describes the benefits provided by the Plan in general terms and does not provide all of the rules under which the Fund operates. It is a summary of the United Food and Commercial Workers Unions and Employers Legal Assistance Plan ("Plan"). If there is any inconsistency between this booklet and the other governing documents of the Plan, such as the Trust Agreement and policies and procedures adopted by the Board of Trustees, the other governing documents will control over the SPD.

DETERMINATION BY TRUSTEES BINDING The provisions of this document are subject to amendment, interpretation, and termination by the Board of Trustees and to the rules, regulations, and procedures of the Fund in effect at the time of a claim. The Board of Trustees has the power to make rules about your eligibility for benefits and the level of benefits available. You do not have a vested right to any benefits under the Plan and benefits may be changed or eliminated by the Trustees at any time. The Trustees also have the power to interpret, apply, and construe the provisions of the Plan and to make factual determinations regarding its construction, interpretation, and application. Any decision made by the Board of Trustees is binding upon employers, employees, participants, beneficiaries and all other persons who may be involved in or affected by the Plan. In the event that you are dissatisfied with a decision of the Board of Trustees, you may appeal the decision as outlined in the Claim Appeal Section of this Summary Plan Description. You must use the appeal procedure before filing a lawsuit against the Fund.

TERMINATION OF COVERAGE In the event that a Participant terminates covered employment, his or her access to services under the Fund shall continue until the last day of the calendar month in which covered employment terminated. If, at that time, the Fund is providing services from which the Plan Attorney may not withdraw from representing a Participant or Dependent without violating the applicable Rules of Professional Conduct or any comparable obligation, the Fund will continue to cover this service until such time as it is able to reasonably make a change in representation that complies with the applicable Rules of Professional Conduct. Upon request, records applicable to a former Participant's or Dependent's representation will be transferred to the new attorney or other representatives as soon as reasonably practicable.

DEFINITIONS

ATTORNEY

Any person who is licensed to practice law in the state in which he or she is practicing and who is a member in good standing of that state's Bar.

COLLECTIVE BARGAINING AGREEMENT

Any negotiated agreement between an Employer and the Union, which requires the Employer to contribute to this Fund and any amendment and any modification or renewal thereof.

COVERED EMPLOYMENT

Hours worked for an Employer for which said Employer is obligated to make contributions to the Fund pursuant to a Collective Bargaining Agreement or other written agreement obligating the Employer to make contributions to the Fund that is acceptable to the Board of Trustees.

DEPENDENT

An Employee's spouse and unmarried children (including any legally adopted children, step-children, foster children, or any child which custody has been awarded to an Employee by a court of competent jurisdiction) provided such children are dependent upon the Employee for support and maintenance and who are under the age of 19 years unless such children are full-time students and have not attained their 23rd birthday. In the event a child is mentally or physically incapacitated prior to the attainment of age 19 or 23 as described above, he or she shall continue to be classified as a Dependent following the attainment of age 19 or 23, as long as the Employee continues to be eligible for benefits under the Fund. A Dependent is mentally or physically incapacitated if he or she is determined to be unable to engage in substantial gainful employment upon the attainment of the otherwise limiting age (19 or 23).

EMPLOYEE

Any person who is or has been employed by a contributing Employer and upon whose behalf contributions have been made to the Fund. The term Employee also includes paid Employees of the LLC and Employees of the Union.

EMPLOYER

Employer means any of the following:

1. Any Corporation, Partnership, Proprietorship or other business entity that is obligated to make contributions to the Fund in accordance with the provisions of a written Collective Bargaining Agreement in force with the Union or other written agreement acceptable to the Board of Trustees,
2. the Fund on behalf of its paid Employees,
3. the UFCW Unions and Employers Benefits Administration, L.L.C, or
4. the Union on behalf of its Employees.

FUND

United Food and Commercial Workers Unions and Employers Legal Assistance Fund.

NAMED FIDUCIARIES

The Board of Trustees.

PLAN ATTORNEY

An attorney on staff at the office locations identified in the "How to Use this Plan" section of this booklet.

PLAN YEAR

The twelve-month period ending on December 31 of each and every year.

TRUST AGREEMENT

The Agreement and Declaration of Trust of the United Food and Commercial Workers Unions and Employers Legal Assistance Fund.

TRUSTEES, BOARD OF TRUSTEES OR BOARD

The persons designated to serve as Trustees of the Fund in accordance with the provisions of the Agreement and Declaration of Trust of the United Food and Commercial Workers Unions and Employers Legal Assistance Fund.

UNION

UFCW Local 1996.

ELIGIBILITY RULES**WHO IS ELIGIBLE****Eligibility for Benefits by Plan Attorneys**

All Employees covered by either a Collective Bargaining Agreement between their participating Employer and a Union or other written agreement acceptable to the Board of Trustees, will be eligible for benefits contained under the Plan on the first day of the calendar month next following the date on which the participating Employer is required to make a monthly contribution to the Fund, provided such contribution is made.

Eligibility for Benefits by Other than Plan Attorney

Employees of Employers contributing at least \$7.00 per month per Employee to the Plan, provided that such contribution is made, are eligible for benefits contained under the Plan that are indicated as "By Other Than Plan Attorneys."

WHEN BENEFITS BECOME EFFECTIVE

An Employee is covered for benefits on the date he becomes eligible. If the Employee has one or more Dependents, as defined herein, he or she is eligible for the Dependents' benefits when he becomes eligible for the Employee benefits; if not, he becomes eligible for the Dependents'

benefits as of the date he acquires a Dependent if he or she is also eligible for benefits as of that date.

WHEN BENEFITS TERMINATE

Except as outlined in the following Sections, an Employee will cease to be covered on the last day of the month during which he terminates employment with a participating Employer. However, in the case of a lay-off the Employee will continue to be eligible until the last day of the month for which a contribution is made, in accordance with the Collective Bargaining Agreement under which he or she is covered.

In addition to the above, the coverage terminates with respect to an individual Dependent:

1. When such person becomes covered as an Employee.
2. When such person ceases to be a Dependent (as defined on page 5) of the covered Employee.

If an Employee dies or enters full-time military service, his or her Dependents who were covered on such date shall be continued for benefit coverage until the last day of the calendar month in which he dies or enters such service.

If, at the time of termination of covered employment, the Fund is providing services from which the Plan Attorney may not withdraw without violating the applicable Rules of Professional Conduct, the Fund will continue to cover this service until such time as it is able to facilitate a change in representation that complies with the applicable Rules of Professional Conduct. You and/or your dependent will be notified in advance of any contemplated withdrawal from representation. Upon request, records will be transferred to the new attorney or designated representative as soon as reasonably practicable.

HOW TO USE THIS PLAN

If you have a legal problem (except as noted under "Exclusions and Limitations") and wish to consult a lawyer, the Plan maintains a Legal Office in Atlanta to provide legal assistance to eligible participants under the Plan. If you think you have a legal problem, you may contact this office:

PLAN ATTORNEYS

Atlanta

3302 McGinnis Ferry Road Suite 101
Suwanee, GA 30024
678.714.3526 or 800.282.8740

IF YOU DO NOT CHOOSE TO USE THE SERVICES PROVIDED FROM THIS LAW OFFICE LISTED ABOVE, OR IF THIS OFFICE IS INCONVENIENT, YOU MAY SEEK THE SERVICES OF A LAWYER OF YOUR OWN CHOOSING PROVIDED THAT SUCH COVERAGE IS ALLOWED UNDER THE APPLICABLE COLLECTIVE BARGAINING AGREEMENT. THESE SERVICES MAY NOT ALWAYS BE COVERED BY THE FUND. CONTACT THE FUND PRIOR TO INCURRING LEGAL EXPENSES, TO CONFIRM ELIGIBILITY REQUIREMENTS FOR REIMBURSEMENT OF OUTSIDE ATTORNEY EXPENSES. IF YOU ARE ELIGIBLE TO USE AN OUTSIDE ATTORNEY AND THE OUTSIDE ATTORNEY CHARGES MORE THAN THE AMOUNT PAID BY THE FUND YOU WILL BE RESPONSIBLE TO PAY THE DIFFERENCE. YOU ARE ALSO RESPONSIBLE FOR THE PAYMENT OF CERTAIN OUT OF POCKET EXPENSES SUCH AS COURT COSTS AND FILING FEES.

EXPLANATION OF PLAN BENEFITS AND COVERAGE

1. GENERAL ADVICE, CONSULTATION AND DOCUMENT REVIEW

By Plan Attorneys: The Plan provides an eligible Employee and his/her eligible Dependents with certain general legal benefits. Provided you use the services of one of the Plan Attorneys, you may obtain advice and consultation. Additionally, you may seek the advice of these Attorneys in reviewing legal documents, such as sales contracts, wills, installment purchase agreements, loans, leases, etc., unless prohibited under the Exclusions and Limitations section.

By Other than Plan Attorneys: An eligible Employee and his/her eligible Dependents may seek the advice and consultation of any Attorney of his or her choosing, unless prohibited under the Exclusions and Limitations section. However, payment under this Plan shall be limited to \$100.00 per calendar year for the participant and his or her eligible Dependents during any one calendar year, regardless of the expenses incurred or the number of different circumstances requiring such outside legal assistance. Eligibility for services is subject to the terms and conditions of the applicable collective bargaining agreement including the negotiated contribution rate. Check with the Fund Office to confirm you are eligible for services.

2. LITIGATION COURT APPEARANCES AND ALTERNATIVE DISPUTE RESOLUTION

By Plan Attorneys: Unless prohibited under the Exclusions and Limitations section, a Staff Attorney will make a personal appearance in any court or alternative dispute resolution proceeding such as a mediation, involving a matter that the Attorney is competent to handle.

By Other Than Plan Attorneys: If you or your eligible Dependents have a legal problem which requires an Attorney to either make a personal appearance in any court or before an administrative tribunal, the Plan will reimburse you for reimbursable expenses or pay the benefit to which you are entitled, if any, directly to the Attorney. However, the maximum amount to be paid by the Legal Assistance Fund Plan on behalf of any Employee and his or her eligible Dependents shall be limited to a total sum of **\$600.00 per family during any one calendar year**. "Tacking on" of benefits at the end of a calendar year for representation in the same case shall not be allowed; i.e., if you file for divorce in November and court appearances are made on your behalf in December and again in January of the next year, the maximum to be paid for court appearances in your divorce case shall be \$600.00.

3. REAL ESTATE CLOSING BENEFITS

In-house Plan Attorneys do not handle any Real Estate closings. This benefit is only available if you see an attorney other than an in-house Plan attorney for this service.

By Other than In-house Plan Attorneys:

An Employee or his or her Dependent spouse shall be entitled to the payment of Attorney fees not to exceed 1% of the face amount of any first mortgage, or \$700.00 whichever is less, incurred in connection with the construction, purchase of or refinancing of the outstanding indebtedness upon the principal residence of such Employee or Dependent spouse, provided that such amounts shall only be reimbursed for attorney's fees clearly described as such in the closing documents.

LIFETIME MAXIMUM

Payment of this benefit is limited to only one (1) purchase or refinance during the lifetime of an Employee.

SCHEDULE OF BENEFITS

The following are benefits that are provided through the Fund. This schedule is subject to change, and no vested right is established in any benefit included in this SPD. Contact the Legal Fund Office to discuss the scope of benefits available to you.

General

1. Legal Consultations – The Fund provides an opportunity for Participants an opportunity for Participants and their eligible beneficiaries to discuss legal problems with Attorneys.
2. Legal Document Review – The Fund provides for consultations with attorneys who are available for the purpose of reviewing and revising legal documents not incident to litigation.

3. Notary Service – The Fund provides access to a notary public that has been designated by the Fund.

4. Preparation of Simple Legal Documents – The Fund provides for preparation of simple legal documents which are not incident to litigation, including powers of attorney, bills of sale, affidavits, and other simple documents.

NOTE: ALL RECORDATION FEES, COURT COSTS, AND OTHER EXPENSES ARE YOUR RESPONSIBILITY AND MUST BE PAID IN ADVANCE. THE FUND WILL NOT PROVIDE REPRESENTATION OR CONSULTATION RELATING TO THE PREPARATION OF ANY TAX RETURN, OR THE PREPARATION OF ANY BUSINESS ORGANIZATION DOCUMENTS OR OTHER DOCUMENTS USED IN CARRYING ON OR ORGANIZING A TRADE OR BUSINESS.

Alternative Dispute Resolution

1. Alternative Dispute Resolution Proceedings – The Fund provides representation in an alternative dispute resolution proceeding such as one ordered by a court, including a mediation, except proceedings involving the Union, the Fund, a Participating Employer, or incident to a malpractice dispute with a legal provider to the Fund or Plan Attorney.

NOTE: THE FUND WILL NOT COVER A CLAIM FOR WORKERS COMPENSATION.

Consumer

1. Wage Earners' Plans – The Fund provides representation if you need to file a Wage Earners' Plan pursuant to the Bankruptcy Code.

2. Excessive Interest and Late Charges – The Fund provides representation related to claims for excessive interest or late charges.

3. Bankruptcy – The Fund provides representation for purposes of filing a personal bankruptcy petition.

4. Medical Insurance Claims – The Fund provides representation for medical insurance claims not involving a Participating Employer, Union, or the Fund.

5. Garnishment Actions – The Fund provides representation in garnishment proceedings.

6. Personal Property Repossessions – The Fund provides representation in repossession proceedings.

7. Enforcement of Warranties – The Fund provides representation for proceedings relating to the enforcement of warranties.

8. Consumer Rights / Problems with Credit Ratings – The Fund provides representation for proceedings relating to consumer rights and credit ratings issues.

9. Collecting / Defending an Action on a Debt – The Fund provides representation in actions seeking to collect a debt, whether the Participant or Dependent is creditor or debtor.

Criminal

1. Juvenile Participant or Dependent – The Fund provides representation for any charges lodged in juvenile court against you or your eligible dependent.

2. Adult Participant or Dependent Accused of Misdemeanor – The Fund provides representation in connection with any misdemeanor charges brought against you or your eligible dependent.

3. Animal Control Violations – The Fund provides representation in connection with any charges of animal control violations brought by a local governmental entity.

NOTE: THE FUND WILL NOT PROVIDE REPRESENTATION IN CONNECTION WITH THE ALLEGED COMMISSION OF A FELONY.

Domestic Relations / Family Law

1. Uncontested Divorce or Annulment – The Fund provides representation in uncontested proceedings for divorce or annulment, including the review and preparation of a qualified domestic relations order (QDRO).

2. Contested Divorce or Annulment – The Fund provides representation in contested proceedings for divorce or annulment, including the review and preparation of a qualified domestic relations order (QDRO). No benefit shall be paid to a Dependent spouse of a covered Employee, and the benefit payable to the covered Employee shall not exceed the \$100 Advice and Consultation Benefit and the \$600 Court Appearance for a maximum of \$700 if any outside attorney is used. In the event that both husband and wife are covered Employees, neither shall be entitled to the Advice and Consultation Benefit. However, both husband and wife as covered Employees are entitled to separate litigation benefits that do not exceed the amounts as noted above on page 9.

3. Uncontested Adoption – The Fund provides representation in uncontested adoption proceedings.

4. Contested Adoption – The Fund provides representation in contested adoption proceedings.

5. Plaintiff/Defendant in a Support Action – The Fund provides representation when you are the plaintiff or defendant in an action to collect, increase, or decrease support and maintenance for you or your minor children.

6. Plaintiff/Defendant in a Custody/Visitation Action – The Fund provides representation when you are the plaintiff or defendant in an action for custody of your minor child(ren) and/or visitation rights.
7. Guardianship and Conservatorship – The Fund provides representation for you in a guardianship or conservatorship proceeding and review of documents associated with such proceedings.
8. Ante-Nuptial/Post-Nuptial/Property Settlement Agreements – The Fund provides representation relating to the negotiations, preparations, execution, or any other matters related to an ante-nuptial, post-nuptial, or property settlement agreement.
9. Name Change – The Fund provides representation when you seek to have your name legally changed by a court of competent jurisdiction.
10. Paternity – The Fund provides representation in action to establish paternity of a minor child.
11. Birth Certificate – The Fund provides services and representation when necessary to establish a birth certificate or to obtain any information on, move for any changes to, or establish the existence of, a birth certificate.
12. Child Neglect – The Fund provides representation in proceedings relating to the neglect of your dependent child(ren).

Motor Vehicle Violations

1. While Intoxicated, Court Appearance – The Fund provides representation relating to DUIs, but the representation is limited to court proceedings and includes administrative hearings incident to the charges.
2. Operating a Motor Vehicle after Suspension or Revocation of Driving Privileges – The Fund provides representation relating to charges of operating a motor vehicle after suspension or revocation of driving privileges.
3. Leaving the Scene after a Collision – The Fund provides representation relating to charges of leaving the scene after a collision.
4. Fleeing and Eluding a Police Officer – The Fund provides representation relating to charges of fleeing and eluding a police officer.

NOTE: THE FUND WILL NOT PROVIDE REPRESENTATION IN CONNECTION WITH THE ALLEGED COMMISSION OF A FELONY.

Personal Injury and Property Damage

1. Preparation and Assistance in the Filing of Insurance Claims with Your Automobile Company – The Fund provides for preparation and assistance in the filing of insurance claims relating to your automobile.
2. Defense of Liability Actions – The Fund provides for representation in defense of liability actions if there is no third-party insurance coverage.
3. Defense of Personal Injury and Property Damage Cases – The Fund provides for representation in defense of any action involving personal injury or property damage in excess of in damages. No representation will be provided in actions for which you have third party insurance coverage.

NOTE: THE FUND WILL NOT PROVIDE REPRESENTATION IN SITUATIONS WHERE A CONTINGENT FEE AGREEMENT IS THE TRADITIONAL FORM OF COMPENSATING AN ATTORNEY FOR THE SERVICES RENDERED.

Probate and Administration of Estates

1. Conservatorship – The Fund provides for representation when you file an application to establish a conservatorship for a relative.
2. Assistance in the Administration of Estate (less than statutory amount) – The Fund provides for assistance and representation with respect to your appointment as personal representative of an estate for which no formal probate proceedings are required.
3. Probate of an Estate – The Fund provides for representation with respect to the probating of an estate when you are named the personal representative of the estate or when, because of your relationship to the deceased, you are eligible to act as the personal representative of the estate of the deceased who dies without a will.

Real Estate/Landlord-Tenant (*For Primary Residence Only*)

1. Landlord/Tenant, Consultation – The Fund provides consulting services concerning any landlord/tenant dispute incident to your rental of a dwelling. Consultation includes a review of the lease/agreement.
2. Landlord/Tenant, Rental Accommodations – The Fund provides representation when you are sued for possession of a rental unit dwelling and/or the violation of any lease provisions.
3. Real Estate Settlements, Seller – The Fund provides representation by an outside attorney incident to the sale of your real property. This is only offered if you are eligible to use an outside attorney and where documents are not required to be prepared by the lender.
4. Real Estate Settlements, Buyer – The Fund provides representation by an outside attorney at real estate settlements when you purchase real estate property of your primary residence.

Services include the preparation of all documents incident to the settlement, including preparation and review of real estate sales contracts. Representation does not include title searches and title insurance costs, which you must pay for directly. This is only offered if you are eligible to use an outside attorney and where documents are not required to be prepared by the lender or seller.

5. Refinancing of Residence – The Fund provides representation by an outside attorney for the refinancing of your primary residence, including the preparation of related documents. This is only offered if you are eligible to use an outside attorney and where documents are not required to be prepared by the lender.

6. Post-Settlement Breach of Warranty – The Fund provides representation regarding any claim you may have against the seller of real property for a breach of warranty after you purchase your primary residence.

7. Violation of Property Owner’s Covenants – The Fund provides representation for proceedings in which you are charged with violating any by-laws, covenants, or agreements incident to the ownership of your primary residence.

8. Zoning Violations – The Fund provides representation in proceedings where any zoning violation charges are brought against you with respect to your primary residence by a local, state, or federal jurisdiction.

9. Mortgage Foreclosure Actions – The Fund provides representation with respect to mortgage foreclosure actions brought against you regarding your primary residence.

10. Negotiation of a Contract for Purchase or Sale of your primary Residence (including condominium) – The Fund provides representation with respect to negotiations of a contract for the purchase or sale of your residence. This is only offered if you are eligible to use an outside attorney and where documents are not required to be prepared by the lender.

11. Review of Documents – The Fund will review purchase agreements and loan documents in connection with your purchase of your primary residence. This is only offered if you are eligible to use an outside attorney and where documents are not required to be prepared by the lender or seller.

12. Deeds – The Fund will review and prepare deeds associated with your primary residence.

Wills, Powers of Attorney, Trusts and Advance Medical Directives

1. Preparation of Simple Wills – The Fund provides for the preparation of simple wills.
2. Preparation of Codicil to Wills – The Fund provides for the preparation of codicil to wills.
3. Consultation Regarding Estate Planning – The Fund provides for consultations regarding estate planning.
4. Contested Will Litigation – The Fund provides representation in a contested will action, but only in the court of original jurisdiction for such matters (i.e., no appeals to higher courts).
5. Preparation of Complex Wills – The Fund provides for the preparation of complex wills, such as a will with a trust, provision for a charitable bequest, creation of life estates, insurance trusts, or other complex provisions.
6. Preparation of Power of Attorney – The Fund provides for the preparation of powers of attorney.
7. Preparation of Advance Medical Directive – The Fund provides for the preparation of advance medical directives including living wills.
8. Trusts – The Fund provides for review as well as preparation of Trusts, including special needs trusts.
9. Probate – The Fund will provide representation in connection with the probate of a will.

FILING DEADLINES FOR CLAIMS FOR REIMBURSEMENT OR ASSIGNMENT OF BENEFITS

A claim for benefits payable for Advice, Consultation and Document Review, Litigation and Court Appearances, and Real Estate Closing Benefits by other than plan attorneys must be submitted for payment and received by the Legal Fund Office in the calendar year in which the services are rendered or the next calendar year thereafter, or the claim will be denied.

CASE FILE DISCLOSURE

As a condition for receiving benefits, you will be asked to authorize disclosure of his or her case file to the Fund's Counsel, and the Board of Trustees. As part of that request, you also will be asked to waive the attorney-client privilege that exists between you and the attorney assigned to your case. The Fund's Counsel and the Board of Trustees will keep all information strictly confidential and will not share the information with any other parties unless required to do so by law. You will not be required to authorize this disclosure and waive attorney-client privilege in order to receive benefits.

WITHDRAWAL OF REPRESENTATION

The Board of Trustees may determine, based on the facts and circumstances of the case, that a withdrawal of representation from a matter is appropriate. You will be notified of such a withdrawal as soon as such a determination is made. Any withdrawal will be treated as a denial of benefits and will afford you the rights associated with a claim denial under ERISA, including a right to appeal the denial. See the Section entitled "Claims Appeal Procedure" for more detailed information on your rights after a denial of benefits.

ADVANCE NOTICE OF CLAIM

Any claim for benefits should be made reasonably in advance of the representation in order for the Fund to make a Plan Attorney available to represent the Employee. The Fund will make every effort to accommodate all such claims for services provided by the Plan. In the unusual event that the Fund cannot make your request work due to the timing surrounding when representation is needed, the Fund will let you know promptly and provide you with reasonable assistance so you can make other arrangements.

EXCLUSIONS AND LIMITATIONS

THE PLAN WILL NOT PROVIDE ANY BENEFITS OR REIMBURSEMENTS FOR LEGAL SERVICES IN CONNECTION WITH ANY OF THE FOLLOWING TRANSACTIONS, MATTERS OR EVENTS:

ANY ACTION, CONTROVERSY OR DISPUTE:

- a. between an Employee or his or her Dependents and any Union affiliated with and including the United Food and Commercial Workers International Union;
- b. involving a participating Employer;
- c. involving a claim for workers compensation;

- d. involving any pension or health and welfare Fund negotiated by any Union affiliated with the United Food and Commercial Workers International Union, the Trustees of such Trust Funds, the Administrator of such Trust Funds, or any person or organization employed by or rendering services to such Trust Funds in their capacity as such;
- e. in which the duty to defend exists or Attorney's fees are provided under a policy of insurance;
- f. between covered Employees or Dependents (except as provided in paragraph l.1 below);
- g. involving the preparation of any tax return;
- h. involving the preparation of any business organization documents or other documents used in carrying on of a trade or business;
- i. in which a contingency fee agreement is a traditional form of compensating an Attorney for services rendered (i.e., personal injury, social security, etc.);
- j. involving the appeal of a case or controversy from a court of law or an administrative agency, provided, however, those matters of an interlocutory nature in cases which are handled by the Plan Attorney only shall be allowable; and
- k. the defense of any charge involving the alleged commission of a felony.
- l. Contested divorces shall be limited as follows:
 - 1. No benefit shall be paid to a Dependent spouse of a covered Employee, and the benefit payable to the covered Employee shall not exceed the \$600.00 Litigation and Court Room Appearance Benefit if an outside attorney is used.
 - 2. In the event both husband and wife are covered Employees, neither shall be entitled to the Advice and Consultation Benefit. However, both husband and wife shall be entitled to receive the benefits provided under the Litigation and Court Appearance portion of the Plan.
- m. Any matter which would require funds to be held in escrow by the in-house plan attorneys.

IN ADDITION, THE LEGAL FUND DOES NOT PROVIDE FUNDS FOR FILING FEES, INVESTIGATIVE SERVICES, COURT COSTS OR MISCELLANEOUS LITIGATION EXPENSES.

**IT IS ADVISABLE TO CONTACT THE LEGAL FUND OFFICE AT:
678.714.3526 or 1.800.282.8740
TO DETERMINE YOUR AVAILABLE BENEFITS**

CLAIMS APPEAL PROCEDURE

1. If a claim for Legal Services is partially or wholly denied, you will be notified in writing within 60 days of the date that the original claim was filed and given an opportunity to appeal the denial and have the claim reviewed by the Board of Trustees of the Fund.
2. The written denial will give:
 - a. Specific reason(s) for denial
 - b. A reference to the specific Plan provision(s) on which the denial is based
 - c. A description of any additional material or information if needed and
 - d. An explanation of the Plan's Claims Review Procedure.
3. Review Procedure:
 - a. Where a claim has been partially or wholly denied, you may appeal the denial and have the claim reviewed by the Board of Trustees of the Fund.
 - b. To appeal the denial, you or your representative must make a written request for review to the Fund Office within 60 days after you receive written notice that your claim has been denied. Mail the written notice to: United Food and Commercial Workers Unions and Employers Legal Assistance Fund, 1740 Phoenix Parkway, Atlanta, GA 30349-5559.
 - c. You will receive, if you request it, reasonable access to and free copies of documents relevant to your claim. You may name a representative to act on your behalf. To do so, you must notify the Fund in writing of the representative's name, address, and telephone number. You may, at your own expense, have legal representation at any stage of the review procedures. Regardless of the outcome of the appeal, neither the Board of Trustees nor the Fund will be responsible for paying any miscellaneous legal expenses which you incur during the course of your appeal.
4. Decision on review:
 - a. A decision by the Board of Trustees will be made promptly and no later than 60 days after receipt of your request for review. The decision on review will be in writing and will include specific reasons for the decision.
 - b. The Board of Trustees, in making its decisions on claims and on appeal, will apply the terms of the Plan document, any applicable guidelines, rules and schedules, and will periodically verify that benefit determinations are made in accordance with such documents, and where appropriate, applied consistently with respect to similarly situated claimants. When the Board of Trustees reviews your claim, it will take into account all the information you submit in making its decision.
 - c. The Board of Trustees will send you a notice of its decision within five (5) days of the decision. If the Board of Trustees denies your appeal, the notice will contain the reasons for the decision, specific references to the Plan provisions on which the decision was based, notice that you may receive, upon request and free of charge, reasonable access to and copies of all documents and records relevant to the claim and a statement of your right to bring a lawsuit under ERISA.
 - d. The decision of the Board of Trustees is final and binding.
 - e. If our claim is denied, in whole or in part, you are not required to appeal the decision. However, before you can file suit under Section 502(a) of ERISA on your claim for benefits, you must exhaust your administrative remedies by appealing the denial to the Board of Trustees. Failure to exhaust these administrative remedies will result in the loss of your right to file suit. These rules apply to you and your dependents and any provider who provided services to you or your dependents. The above paragraph applies to all

litigation against the Fund, including litigation in which the Fund is named as a third-party defendant.

STATEMENT OF YOUR RIGHTS

As a participant in the UFCW Unions and Employers Legal Assistance Plan, you are entitled to certain rights and protections under the Employee Retirement Income Security Act of 1974 (ERISA), as amended from time to time.

ERISA provides that all Plan Participants shall be entitled to:

1. Examine, without charge, at the Plan Administrator's office and at other specified locations, such as worksites and union halls, all documents governing the Plan, including insurance contracts and Collective Bargaining Agreements, and a copy of the latest annual report (Form 5500 Series) filed by the Plan with the U.S. Department of Labor;
2. Obtain, upon written request to the Plan Administrator, copies of documents governing the operation of the Plan, including Collective Bargaining Agreements, and copies of the latest annual report (Form 5500 Series) and updated Summary Plan Description. The Administrator may make a reasonable charge for the copies; and
3. Receive a summary of the Plan's annual financial report. The Plan administrator is required by law to furnish each participant with a copy of this Summary Annual Report.

In addition to creating rights for Plan participants, ERISA imposes duties upon the people who are responsible for the operation of the employee benefit plan. The people who operate your plan, called "fiduciaries" of the plan, have a duty to do so prudently and in the interest of you and other plan participants and beneficiaries. No one, including your employer, your union, or any other person, may fire you or otherwise discriminate against you in any way to prevent you from obtaining a benefit or exercising your rights under ERISA. If your claim for a benefit is denied in whole or in part you must receive a written explanation of the reason for the denial. You have the right to have the plan review and reconsider your claim. Under ERISA, there are steps you can take to enforce the above rights. For instance, if you request materials from the plan and do not receive them within 30 days, you may file suit in a Federal Court. In such case, the court may require the plan administrator to provide the materials and pay you up to \$147 a day until you receive the materials, unless the materials were not sent because of reasons beyond the control of the administrator. If you have a claim for benefits which is denied or ignored, in whole or in part, you may file suit in a State or Federal court. In addition, if you disagree with the plan's decision or lack thereof concerning the qualified status of a domestic relations order or a medical child support order, you may file suit in Federal court. If it should happen that plan fiduciaries misuse the plan's money, or if you are discriminated against for asserting your rights, you may seek assistance from the U.S. Department of Labor, or you may file suit in a federal court. The court will decide who should pay court costs and legal fees. If you are successful, the court may order the person you have sued to pay these costs and fees. If you lose, the court may order you to pay these costs and fees, for example, if it finds your claim is frivolous.

If you have any questions about your plan, you should contact the Plan Administrator. If you have any questions about this statement or about your rights under ERISA, you should contact the nearest office of the Employee Benefits Security Administration, U.S. Department of Labor, listed in your telephone directory or the Division of Technical Assistance and Inquires, Pension and

Welfare Benefits Administration, U.S. Department of Labor, 200 Constitution Avenue N.W.,
Washington, D.C. 20210.

If you have any questions regarding the Fund and your legal assistance benefits, please call:

Legal Fund Office

Local 678.714.3526

Toll Free 1.800.282.8740

Fund Office

Local 770.997.9910

Toll Free 1.800.241.3473

21207862v2