UFCW Local 1776
and
Participating Employers
Legal Trust Fund
Family Coverage
LEGAL SERVICES PLAN

Occasionally you or your dependents need the help of an attorney - whether you need to update your will or just need legal advice before you buy a house. The Legal Services Plan is designed to help you and your dependents handle these legal matters. Unlike your other benefits, which are provided through the UFCW Local 1776 and Participating Employers Health and Welfare Fund, the Legal Services Plan is provided by the UFCW Local 1776 and Participating Employers Legal Trust Fund. However, except for the terms set forth below, all terms, including the rules concerning eligibility, termination of coverage, and amendment of the plan and benefits are the same under both the health and welfare plan and the legal plan. Refer to your Health and Welfare Summary Plan Description booklet if you have questions about these topics.

You must use a plan attorney to be eligible for legal benefits. There is no charge to you for attorney fees if you use a plan attorney for plan benefits. You are required to pay for those costs which are necessary for resolution of your matter, i.e. filing fees, postage, photo copying, etc.

Some benefits under the Legal Services Plan apply only to you, while others are available for you and your dependents. Your spouse is not covered if you are separated, and your dependent children are not covered if they are married.

The Legal Services Plan provides the following benefits:

- **Marital and Domestic Relations** - you may use the Plan for contested or uncontested divorces, property settlements, child support and visitation cases, protection from abuse cases, and child custody cases. Your spouse is covered for child support and child custody matters as long as the case is not against you, the member.

- **Real Estate** - reviewing and preparing agreements of sale or purchase; attending settlements; and reviewing real estate leases and deed transfers, for your primary residence only. However, under no circumstance may a plan attorney be required to perform title searches or have a licensed title company in order to provide covered benefits.

- **Consultation** - this includes two hours of consultation time in each calendar year per family which may be used for discussion of legal problems, drafting simple documents, etc. If the consultation leads to other representation under the Plan, the time spent does not count toward your yearly two-hour limit.

- **Wills** - drafting of wills and updates yearly or as necessary based on significant changes in marital or family status, for you and your spouse.

- **Adoptions** - on behalf of you and your spouse only.

- **Criminal cases** - one per year for you and your dependents. Coverage applies only for misdemeanors and non-traffic summary offenses. Felonies are not covered. In New Jersey, this includes representation on all disorderly persons and petty disorderly violations, but will exclude high misdemeanor and offenses of the first, second and third degree. This service further provides for representation in Juvenile Court for misdemeanors and summary offenses. This service is limited to one criminal and one juvenile matter per individual in a calendar year.
- **Civil cases** - Coverage applies only where you or your dependents are the defendant in small claims court.

- **Deeds** - drafting of residential deeds for your primary residence only where the member or spouse is either being added to or being removed from the deed.

- **Debt Collection** - only if you or your dependents are the defendant in a small claims action.

- **Settlement negotiations** - when a legal action is instituted in court against you or your spouse in small claims court.

- **Traffic offenses** - only if your offense is driving under the influence of alcohol or drugs. You may use this once each calendar year.

## Using Legal Services

To use the Plan, you must use a Plan attorney from McEldrew Young. The contact information for McEldrew Young is listed below.

**PHILADELPHIA OFFICE**

- 123 S. Broad Street  
- Suite 1920  
- Philadelphia, PA 19109  
- (215) 367-5151  
- Monday through Friday 9 a.m. to 5 p.m.  
- Evenings by appointment only

**BLUE BELL OFFICE**

- 526 Township Line Rd.  
- Suite 100  
- Blue Bell, PA 19422  
- (215) 367-5151  
- Monday through Friday, 9 a.m. to 5 p.m.  
- Evenings by appointment only

## ATTORNEY-CLIENT RELATIONSHIP

When you use a Plan attorney, you will have all benefits of the attorney-client relationship. This includes the duty of the attorney to maintain the confidentiality of the relationship, as well as other duties in accordance with the applicable rules of professional conduct. The attorney-client relationship created hereunder will be the same as that of an attorney to any client who retains the attorney on a private, individual, fee paying basis.

## ETHICAL STANDARDS

Like all attorneys, Plan attorneys are required to conform to certain ethical standards adopted by the profession. Plan attorneys’ representation under the Plan shall conform to such ethical standards.

## EXERCISE OF DISCRETION

Like all attorneys, Plan attorneys are required to exercise independent professional judgment in their representation of clients. Accordingly, Plan attorneys retain exclusive discretion to decline to
advance a legal defense which is not based on a good faith argument for an extension, modification, or reversal of existing law. Plan attorneys also retain exclusive discretion to decline acceptance of your dispute or matter where such acceptance would create a conflict of interest with that attorney’s former or current clients.

Exclusions

Not every service or expense is paid by the Plan, even when a legal matter is covered. Below is a list of services and expenses that are not covered:

- Actions between the Union and participants or their dependents.
- Actions between the Employer and participants or their dependents.
- Actions involving the Plan or any benefits provided by the UFCW Local 1776 and Participating Employers Health and Welfare Fund or under the Legal Services Plan.
- Grievance arbitration involving any Plan participant.
- Class action suits, interventions, amicus curiae filings, or other actions not involving the personal, immediate, and direct interest of the covered participant, spouse or dependent.
- Actions between you and another Plan participant.
- Collective bargaining problems.
- Tax return preparation.
- Bankruptcy proceedings.
- Appeal proceedings.
- Guardianship matters.
- Matters involving commercial, corporate or partnership interests.
- Workers’ Compensation or Federal Employer Liability Act cases.
- Suits involving business pursuits, profit-making ventures, patents or copyrights.
- Fines, filing fees, penalties, assessments, deposition costs, witness fees, investigative expenses or any expense that is not a legal fee, such as postage, telephone, photocopying, and printing costs.
- Services for the same action more than once in any 12-month period.
- Matters where the attorney is normally paid a contingency fee or from a fund.
- Services available to you free of charge under another plan or means.
- Real Estate coverage is only for primary residence - no vacation or investment properties are covered by the Plan.
- Real Estate Title searches.
- Any action, matter or proceeding instituted or started prior to the institution of this Plan or a participant’s eligibility under the Plan.
- Power of Attorney.
- Certain services requested to be performed outside of Pennsylvania or New Jersey are subject to individual benefit limitations and exclusions. If you seek benefits under the Plan for matters outside Pennsylvania or New Jersey, contact the Fund office.
- Anything not specifically covered under the terms of the Plan.
- Any matter which the Plan attorneys determine is clearly without merit or is frivolous.

## Definitions

- **Plaintiff** - a person who sues or institutes a personal action, seeking a remedy for an injury to his or her rights.
- **Defendant** - the person sued in a legal action; the party against whom relief or recovery is sought in a lawsuit.
- **Respondent** - the party called upon to answer an appeal, or a petition or a bill proceeding in equity.
- **Amicus Curiae** - a friend of the court; one who is not party to a lawsuit who volunteers assistance to the court on matters of law.
- **Instituted** - the commencement of any legal proceeding, and specifically as to civil and criminal matters:
  - Criminal matters - at the earliest of the time of arrest or the issuance of a warrant for arrest;
  - Civil matters - the time legal process is served.

## COORDINATION OF BENEFITS

Benefit payments are not coordinated with any other plan. Therefore, this plan is the primary plan.

## CLAIM FILING DEADLINES

There are no claim filing deadlines for legal services, except for those imposed under the statute of limitations.
APPEALING A DENIED CLAIM

If your claim is denied in whole or in part, you will receive written notification within 60 days after you filed your claim. This notice will include the specific reasons for the decision, the Plan provisions on which the decision is based, any information needed to complete the claim and the reasons why this information is needed. The notice will also explain the Plan’s claim review procedures.

You may file a written appeal to the Fund Administrator within 90 days of the date of the notice of denial. You or your representative has the right to review and request copies (free of charge) of pertinent Plan documents and to submit in support of your claim a written statement, documents, records and other information relating to your claim. The Fund Administrator will take into account everything that you submit in support of your claim and will respond with a written notice within 60 days of receiving your appeal, stating whether the appeal is approved or denied. This notification will include the specific reasons for the decision, the Plan provisions on which the decision is based, the information needed to complete the claim, and the reasons why this information is needed. The notice will also explain the Plan’s claim review procedures.

If you are not satisfied with the Fund Administrator’s decision regarding your claim appeal, you may request a review of the Fund Administrator's denial within 60 days after you receive the administrator's determination. The review will take place at the next regularly scheduled Board of Trustees meeting if possible. However, the review must take place within 120 days after it receives your written request for a review. If you have not already done so, you or your representative has the right to review and request copies (free of charge) of Plan documents, records and other information pertinent to your claim. You may also submit in support of your claim a written statement, documents, records and other information relating to your claim. However, the Board of Trustees has discretionary power and authority to make benefit eligibility determinations, to construe the terms of the Plan, and to determine your rights under the Plan. Its decisions are entitled to the maximum deference permitted by law. The Board’s decision on your appeal will be made in writing and is final and binding. The Board will take into account everything that you submit in support of your claim and will respond with a written notice no more than five days after making its determination, stating whether the appeal is approved or denied. This notification will include the specific reasons for the decision and the Plan provisions on which the decision is based.

ADMINISTRATIVE INFORMATION

This section provides you with information about how the UFCW Local 1776 and Participating Employers Legal Trust Fund is administered. Other important information, such as your ERISA Statement and appealing a denied claim, are the same for this Fund and the UFCW Local 1776 and Participating Employers Health and Welfare Fund.

PLAN NAME

UFCW Local 1776 and Participating Employers Legal Trust Fund
TYPE OF PLAN

This Plan is a welfare plan designed to provide basic legal services as described above.

PLAN NUMBER

501

EMPLOYER IDENTIFICATION NUMBER

23-2069083

THIRD PARTY CONTRACT ADMINISTRATOR

Healthcare Strategies, Inc.
3031B Walton Road
Plymouth Meeting, PA 19462
(610) 941-9400

PLAN SPONSOR

The Plan Sponsor of the Plan is the Board of Trustees. Half of the Trustees are appointed by the Union and half are appointed by the Employers who contribute to the Plan.

PLAN AND RECORD KEEPING YEAR

January 1 to December 31
Plan Trustees and Administrators

Union Trustee:
Edward C. Chew, III, Chairman
c/o UFCW Local 1776
3031 A Walton Road (Ste. 201)
Plymouth Meeting, PA 19462
(610) 940-1776
echew@ufcw1776.org

Employer Trustee:
Dan Dosenbach, Trustee
Director, Labor Relations Eastern Division
c/o Acme Markets, Inc.
75 Valley Stream Parkway
Malvern, PA 19355
(610) 889-4271
Daniel.dosenbach@supervalu.com

AGENT FOR SERVICE OF LEGAL PROCESS:

Service of legal process may be made on the Fund Administrator, the Board of Trustees, or the person listed below:

Counsel
Stevens & Lee, P.C.
Attn: Paul Lewis, Esquire
620 Freedom Business Center, Suite 200
P.O. Box 62330
King of Prussia, PA 19406

Fund Auditor
Alan Ross & Company, PC
Certified Public Accountants
10 Hearthstone Court
Suite 100
Reading, PA 19606