

CHICAGOLAND RACE MEET OPERATORS AND
LOCAL 134 I.B.E.W. JOINT PENSION TRUST OF CHICAGO

**NOTICE OF ELIMINATION OF ADJUSTABLE BENEFITS PURSUANT TO
REHABILITATION PLAN ADOPTED BY THE BOARD OF TRUSTEES OF THE
CHICAGOLAND RACE MEET OPERATORS AND LOCAL UNION 134 I.B.E.W.
JOINT PENSION TRUST**

March 1, 2010

This notice is being provided to participants and beneficiaries under the Pari-Mutuel Pension Plan (“Plan”) established and maintained by the Board of Trustees of the Chicagoland Race Meet Operators and Local Union 134 I.B.E.W. Joint Pension Trust (“Trust”), and to contributing employers to the Trust and Local Union 134 I.B.E.W. (“Union”), as required by Section 305(e)(8)(C)(i) of the Employee Retirement Income Security Act of 1974 as amended (“ERISA”), as made a part of ERISA by the Pension Protection Act of 2006 (“PPA”). PPA allows the plan sponsor of a multiemployer pension plan in “Critical Status” to reduce or eliminate a category of benefits called “Adjustable Benefits.” Reductions to or the elimination of Adjustable Benefits are subject to a thirty (30) day advance notice requirement.

Rehabilitation Plan: As set forth in the Notice of Critical Status provided April 30, 2009, on March 31, 2009 the Trust’s actuary certified that the Trust was in Critical Status for its plan year beginning January 1, 2009. ERISA requires that a multiemployer pension fund that has been so certified develop a “Rehabilitation Plan,” the purpose of which is to allow the pension fund to emerge from Critical Status by the end of a mandated rehabilitation period.

The Board of Trustees adopted a Rehabilitation Plan which set forth two possible schedules, as the available alternatives for revised benefit structures and revised contribution structures designed to restore the financial health of the Trust as required under the PPA. The rehabilitation plan was submitted to the employers contributing to the Trust and to the Union and, in recent collective bargaining agreements, such parties agreed upon increased levels of contributions being made to the Trust by the employers under the so-called “Preferred Schedule” as had been included as one of the two possible schedules in the Rehabilitation Plan for consideration and adoption by the collective bargaining parties.

As for revised benefit structure, the Preferred Schedule sets forth that (i) the Plan’s surviving spouse pension payable for the first ten years of the spouse’s entitlement, an Adjustable Benefit under PPA, be reduced by eliminating the fully subsidized 100% joint and survivor payment form as currently provided for such period and (ii) future benefit accruals not be reduced or eliminated.

Elimination of Adjustable Benefits: At its February 24, 2010 meeting, the Board of Trustees of the Trust approved implementation of the revised benefit structure, as included in the Preferred Schedule of the Rehabilitation Plan, effective April 1, 2010.

This means that the fully subsidized 100% joint and survivor payment form for the first ten years of a spouse’s entitlement will (A) be provided to any participant retiring at the present time, with an effective date of retirement prior to or on April 1, 2010 (B) not be provided to any participant retiring with an effective date of retirement after April 1, 2010 (that is, retirements with effective dates of May 1, 2010 and later).

Applicable Plan Provisions. Section 6.01 of the Plan sets forth the requirements for a surviving spouse pension. Section 6.02 of the Plan provides for the amount of a surviving spouse pension, such amount generally being 50% of the participant's pension, with actuarial reduction if the surviving spouse is more than five years younger than the deceased participant. Plan Section 6.02 then currently offers a temporary supplement to such amount of surviving spouse pension, providing that the surviving spouse pension payable for the first one hundred twenty (120) months of the spouse's entitlement to such pension shall be twice the monthly amount otherwise determined under Plan Section 6.02.

Plan Amendment. The Board of Trustees action will result in the Plan being amended to delete the offer of the temporary supplement to the amount of surviving spouse pension, meaning that the surviving spouse pension payable after a participant's death, for the first one hundred twenty (120) months of the spouse's entitlement to such pension and thereafter, will be 50% of the participant's pension (with actuarial reduction if the surviving spouse is more than five years younger than the deceased participant). This amendment of the Plan eliminating the surviving spouse pension benefit supplement will apply to retirements effective after April 1, 2010 (that is, retirements with effective dates of May 1, 2010 and later).

Example of Impact of Change. *Under the terms of the Plan as currently in effect,* assume a participant who is age 68 retiring effective April 1, 2010, at which date the participant's spouse is also age 68. Assume the monthly pension payable for the participant's lifetime would be equal to \$1,246. Upon the participant's death with his spouse surviving him, the spouse would receive \$1,246 per month for 120 months after the participant's death and \$623 per month for the remainder of her lifetime after such 120 months.

Under the terms of the Plan as amended to eliminate the temporary supplement, assume the same participant instead retiring effective May 1, 2010. The monthly pension payable for the participant's lifetime would be reduced to \$1,102. Upon the participant's death with his spouse surviving him, the surviving spouse pension payable to his spouse would be \$551 per month commencing after the participant's death and continuing at the same amount for the remainder of her lifetime.

The impact of the elimination of the adjustable benefit would be to (a) reduce the lifetime amount payable to the participant by \$144, from \$1,246 to \$1,102, (b) reduce the amount payable to the surviving spouse for the first 120 months by \$695, from \$1,246 to \$551, and (c) reduce the amount payable to the surviving spouse after the first 120 months by \$72, from \$623 to \$551.

Rights and Remedies of Trust Participants and Beneficiaries: Participants and beneficiaries of the Trust have certain rights and protections under ERISA. As set forth in the Plan's Summary Plan Description ("SPD"), participants and beneficiaries have the right to:

- Examine, without charge, at the Trust's administrator's office and at other specified locations, such as worksites and union halls, all documents governing the Trust, including insurance contracts, collective bargaining agreements, and a copy of the latest annual report Form 5500 filed by the Trust with the U.S. Department of Labor and available at the Public Disclosure Room of the Employee Benefits Security Administration ("EBSA").

- Obtain, upon written request to the Trust's administrator, copies of documents governing the operation of the Trust, including insurance contracts, collective bargaining agreements, and copies of the latest annual report Form 5500 and updated SPD (the Trust's administrator may make a reasonable charge for the copies).
- Receive a summary of the Trust's annual financial report, which the Trust's administrator is required by law to provide to each participant.
- Obtain a statement advising the participant whether the participant has the right to receive a pension at normal retirement age and, if so, what the participant's benefits would be at normal retirement age if the participant stopped working. If the participant does not have the right to a pension, the statement will tell the participant how many more years the participant has to work to obtain a right to a pension. This statement must be requested in writing and is not required to be provided more than once every twelve months. The Trust will provide the statement free of charge.

If a claim for a pension is denied or ignored, in whole or in part, the participant or beneficiary has a right to know why this was done, to obtain copies of documents relating to the decision without charge, and to appeal any denial, possibly including suit in federal court, all within certain time schedules.

Contacting the U.S. Department of Labor: For further information or assistance, where appropriate, regarding the rights and remedies of the Trust's participants and beneficiaries, individuals should contact EBSA's regional or national office at:

Regional Office:

Employee Benefits Security Administration
U.S. Department of Labor
Chicago Regional Office
200 West Adams Street, Suite 1600
Chicago, IL 60606

National Office:

Division of Technical Assistance and Inquiries
Employee Benefits Security Administration
U.S. Department of Labor
200 Constitution Avenue NW
Washington, D.C. 20210

Individuals may also find answers to questions regarding rights and responsibilities under ERISA, and a list of field offices by contacting EBSA by calling (866) 444-3272 or visiting the EBSA website at www.dol.gov/ebsa.