

**NOTICE OF SERIOUSLY ENDANGERED STATUS**  
**for**  
**LOCAL 400 FOOD TERMINAL EMPLOYEES PENSION FUND**

To: All Participants, Beneficiaries, Participating Unions and Contributing Employers

From: Board of Trustees of Local 400 Food Terminal Employees Pension Fund

Date: December 16, 2008

**THE PENSION PROTECTION ACT**

Under the Pension Protection Act of 2006 ("PPA"), the Fund's actuary is required to certify to the Board of Trustees and the Internal Revenue Service the Fund's status within 90 days from the beginning of the plan year. If the actuary certifies that the Fund's status for a plan year is "endangered", "seriously endangered" ("yellow zone") or "critical" ("red zone"), the Trustees must notify all Plan participants, beneficiaries, participating unions and contributing employers in writing of this certification and take corrective action to restore the financial health of the Plan.

**YELLOW ZONE STATUS**

On November 26, 2008, the Fund's actuary determined and certified that the Fund is in "seriously endangered" (yellow zone) status as of September 1, 2008. This determination was made because the Fund is currently less than 80% funded and is projected to have a funding deficiency within the next seven years. For purposes of this certification, the Fund is 74.71% funded and is projected to have a funding deficiency by 2013.

**FUNDING IMPROVEMENT PLAN**

Given the Fund's certified status, the PPA requires the Fund to adopt a "Funding Improvement Plan" ("FIP") within 240 days of the certification date. The FIP is an action plan, to be proposed to the bargaining parties, which based on reasonably anticipated experience and under reasonable actuarial assumptions, is designed to increase significantly a plan's funding percentage and to avoid any accumulated funding deficiency. In developing the FIP, the Trustees must present the bargaining parties with at least one funding option which involves the reduction of future benefit accruals, but other options will also be considered. The FIP will be developed in the coming year and a notice describing it will be provided to the bargaining parties shortly after that. You have a right to receive a copy of the FIP when it is completed.

**WHERE TO GET MORE INFORMATION**

For more information about this Notice, you may contact the Board of Trustees or the Fund Office, in writing at Local 400 Food Terminal Employees Pension Fund, 707 Brookpark Road, Cleveland, Ohio, 44109, or by phone at (216) 778-6302.

Sincerely,  
The Board of Trustees

cc: United States Department of Labor  
Pension Benefit Guaranty Corporation