

## Mediated Partial Settlement Agreement

The parties mediated on September 23, 2009 and agreed to a settlement of one of the remaining issues in the case; interest due to the class members.

The parties agree that interest on the fiscal year ending 2004 13<sup>th</sup> Check due to class members shall be in the amounts for the respective categories of class members as set forth in the attached exhibit.

Payment of these amounts is contingent upon approval by the Board of Trustees, and subject to a final settlement agreement and release, and approval of the Court after a fairness hearing on the remaining issues, including attorney's fees and costs, and entry of final judgment and conclusion of any appeal.

Effective 12/31/2009, such sums on the attached exhibit shall be placed in a separate interest bearing account, and the actual interest earned thereon shall be paid to the class members proportionately subject to the requirements in the above paragraph. The parties agree that no other interest from 9/23/2009, statutory or otherwise, shall accrue on the amounts in the attached exhibit.

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J.M.P.  
BL

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As Chairman, The Board of Trustees

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Offer 9/23/2009

Interest Through 12/31/2009

Statutory Interest Rate for all non-DROP

\$1,500 / \$750

DROP Group 1      12/05 Distribution (6)

\$2,100

DROP Group 2      12/06 Distribution (24)

\$2,300

DROP Group 3      12/07 Distribution (11)

\$3,500

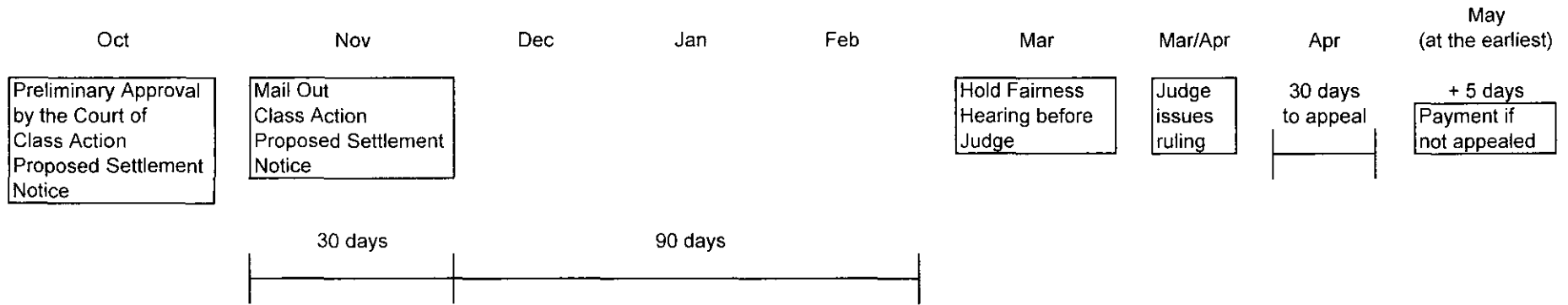
DROP Group 4      12/08 Distribution (1)

\$2,250

PSL  
M.P.  
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What happens next? When?

Probable timeline



120 days between notice and fairness hearing date (specified by plaintiff's counsel)

If appealed  
add approximately  
one more year  
based on  
experience  
in prior  
lawsuit