

Subrogation

If you receive benefits under the Plan as the result of an Injury caused by another party, the Plan has the right to seek repayment of those benefits from the party that caused the Injury. In other words, the Plan assumes your right to seek recovery from the negligent party.

In order to avoid duplication of payment contrary to ERISA's stated purpose of preventing waste of the Fund's assets, the Fund will be the secondary payor, where your Illness or Injury results from the negligent, tortious or wrongful act of a Third Party who is primarily responsible for compensation of medical expenses incurred by you.

If you bring a liability claim against that person, benefits payable under the Plan must be included in the claim. If you hire an attorney, you need to immediately provide the Fund with the attorney's name, address, and telephone number. The Fund will not be liable for any expenses or litigation connected with the claim, except as provided in the Plan's Subrogation and Reimbursement Agreement signed by you, your covered dependents if applicable, and attorney if any.

When the claim is settled, you must reimburse the Plan in the amount of the benefits the Plan has already provided to you from the proceeds of the settlement. You are obligated to avoid doing anything that would prejudice the Plan's right of recovery, and you may be required to sign and deliver documents to secure that right. Claims for benefits may be withheld until full compliance with the subrogation agreement is achieved and any reimbursements owed to the Fund are made.

With respect to both reimbursement and subrogation, the Plan does not recognize, or incorporate the make whole doctrine. Therefore, the Plan's right to reimbursement and/or subrogation is not dependent upon whether your recovery or your dependent's recovery from any third party equals or exceeds your expenses or damages.

Application to Any Fund: The Plan's right to reimbursement and subrogation applies to any fund, account or other asset created:

1. Pursuant to the judgment of any court awarding damages against any third party in favor of you or your Dependent, as the ill or injured