

PRODUCER-WRITERS GUILD OF AMERICA PENSION PLAN

AMENDMENT I

THIS AMENDMENT is made by the Directors of the Producer-Writers Guild of America Pension Plan and amends the Producer-Writers Guild of America Pension Plan as hereinafter set forth.

W I T N E S S E T H

WHEREAS, Section 1 of Article VI provides that the Producer-Writers Guild of America Pension Plan may be amended by written instrument duly approved and executed by 75% in number of the individual Directors in office at the time; and

WHEREAS, it is desired to amend the Plan.

NOW, THEREFORE, in consideration of the premises, it is mutually understood and agreed that the Producer-Writers Guild of America Pension Plan shall be amended, retroactively effective January 1, 2000 except as otherwise noted (provided that any retroactive payments shall be made, without interest, as soon as practicable after adoption of this Amendment I):

ARTICLE I, SECTION 8

Section 8 is amended to read as follows:

“[Section 8. Early Retirement Date](#). The term “Early Retirement Date” as used herein shall mean the first day of any month prior to a Participant’s Normal Retirement Date as of which he elects to retire, provided (1) as of such date he has attained his fifty-second (52) birthday (prior to January 1, 2000, fifty-fifth (55th) birthday) and has a vested interest in his retirement benefit as described in Article IV, Section 12, and (2) the Participant complies with Article IV, Section 6(f). A Participant shall notify the Directors of his selection of an Early Retirement Date by filing a written application with the Directors on or before the time specified by the Directors.”

ARTICLE I, SECTION 27

Effective July 1, 2002, a new Section 27A is added to read as follows:

“Section 27A. Same Sex Domestic Partner. The term “Same Sex Domestic Partner” as used herein shall mean an individual who has submitted to the Plan an Affidavit of Domestic Partnership on a form provided by the Plan, along with supporting documentation, and who meets the criteria set forth in such Affidavit. Generally, for a person to qualify, the Participant and the domestic partner must have a committed same sex relationship similar to a marriage that has been in existence for at least six months. However, no person shall be considered a Same Sex Domestic Partner prior to the time a complete Affidavit has been submitted to the Plan.”

ARTICLE IV, SECTION 1

Section 1(a) is amended to read as follows:

“(a) A Participant who retires on a Normal Retirement Date shall be entitled to receive a normal retirement benefit in an amount equal to 48.30% of the total contributions made to the Fund by Employers in respect to such Participant, such annual benefit to be payable in twelve (12) monthly installments; this increase in normal retirement benefit to be paid only on and after January 1, 2000, to all Participants, including those presently retired, but the inclusion of those presently retired shall not establish a precedent for any future increase in the normal retirement benefit.”

ARTICLE IV, SECTION 2

Section 2 is amended to read as follows:

“Section 2. Early Retirement Benefit.

(a) A Participant who retires on an Early Retirement Date shall be entitled to receive an early retirement benefit.

(1) For Participants whose Early Retirement Date is on or after January 1, 2000, there shall be no reduction for commencement on or after attainment of age sixty-three (63). If the Participant has attained age 55 but not 63, the annual early retirement benefit shall be an amount equal to the normal retirement benefit determined under Section 1 of Article IV in respect of such Participant reduced by 1/3 of 1% for each month the Participant is younger than age sixty-three (63) for commencement prior to the Participant’s attainment of age sixty-three (63). If the Participant has attained age 52, but not 55, the annual early retirement benefit shall be an amount equal to the normal retirement benefit payable at age 65 in respect of such Participant reduced by 32% (to reflect payment at age 55) and reduced by an additional 1/2 of 1% for each month the Participant is younger than age fifty-five (55) for commencement prior to the Participant’s attainment of age fifty-five (55).

(2) For Participants whose Early Retirement Date is on or after January 1, 1996, but prior to January 1, 2000, the annual early retirement benefit shall be determined in accordance with the preceding subsection (a)(1), except that no benefits shall be payable if the Participant has not attained age fifty-five (55).

(3) For Participants whose Early Retirement Date is prior to January 1, 1996, the annual early retirement benefit shall be an amount equal to the normal retirement benefit determined under Section 1 of Article IV in respect of such Participant reduced by 1/2 of 1% for each month the Participant is younger than age sixty-five (65) for commencement prior to the Participant’s attainment of age sixty-five (65). All such annual early retirement benefits shall be payable in twelve (12) equal monthly installments.

(b) Such monthly payments shall commence on the first day of the month set for his early retirement and shall be made in accordance with Article IV, Section 1(b).

(c) (1) A Participant shall file a fully completed retirement application packet (on forms prepared by the Directors) with the Directors at least thirty (30) days prior to the Early Retirement Date selected by such Participant for such early retirement benefit to commence.

(2) Notwithstanding subsection (c)(1), the second sentence of Article IV, Section 4(c)(2) or the last sentence of Article IV, Section 4(c)(3), a Participant may elect an Early Retirement Date during the period from January 1, 2000 until June 1, 2002, if the Participant meets all of the following conditions: (1) the Participant has not previously retired, (2) the Participant complied with Article IV, Section 6(f) during the

month commencing on his Early Retirement Date, (3) the Participant has not attained age 55 by May 1, 2002, and (4) the Participant files a fully completed retirement application packet (on forms prepared by the Directors) with the Directors no later than the Final Election Date. The Final Election Date is the later of May 30, 2002 or, as long as the Participant has filed a completed retirement application by May 30, 2002, the 30th day after the explanation described in Article IV, Section 4(c)(3) is provided to the Participant. Distributions shall not commence prior to the Final Election Date and any election under this subsection (c)(2) shall be irrevocable as of the Final Election Date.”

ARTICLE IV, SECTION 17

Article IV, Section 17(d) is amended to read as follows:

“(d) This subsection (d) addresses implementation of the compensation limit under this Section 17 with respect to the subsidized early retirement factors set forth in Article IV, Section 2 that became effective on January 1, 1996, and those that became effective January 1, 2000. With respect to the 1996 increase, the early retirement benefit of a Participant whose benefit is limited by the compensation limit shall be calculated by breaking the Participant’s normal retirement benefit into two components as follows: (1) that portion of the total normal retirement benefit payable by looking solely at the compensation limit in effect on and after January 1, 1997 (including application of a limit of \$160,000 (per Employer) to years prior to that date) and (2) the remaining portion of the entire normal retirement benefit as limited by this Section 17. The early retirement benefit shall equal the sum of (i) the first component described above, reduced by the factors in Article IV, Section 2, plus (ii) the second component described above, reduced by $\frac{1}{2}$ of 1% for each month the Participant is younger than age 65 for commencement prior to the Participant’s attainment of age 65. Identical rules shall be applied in the case of the 2000 increases.”

ARTICLE IV, SECTION 21

Article IV, Section 21 is amended to read as follows:

“Section 21. 13th Checks.

(a) With respect to all monthly retirement or death benefits that went into pay status on or before January 1, 1996, an additional payment, equal to the otherwise payable monthly benefit for January 1996 (but not any other month), shall be made.

(b) With respect to all monthly retirement or death benefits that went into pay status on or before January 1, 1997, an additional payment, equal to the otherwise payable monthly benefit for January 1997 (but not any other month), shall be made.

(c) With respect to all monthly retirement or death benefits that went into pay status on or before January 1, 1998, an additional payment, equal to the otherwise payable monthly benefit for January 1998 (but not any other month), shall be made.

(d) With respect to all monthly retirement or death benefits that went into pay status on or before December 1, 2000, an additional payment, equal to the otherwise payable monthly benefit for December 2000 (but not any other month), shall be made as soon as practicable on or after July 1, 2002.

(e) Notwithstanding the foregoing, no additional payment shall be made under this Section 21 to any person who received a lump sum retirement or death benefit. The additional payment shall be made to Participants who are receiving payments solely by virtue of Article IV, Section 5 (the minimum distribution rules).”

(f) There is no right (vested, accrued or otherwise) to any additional payments other than those set forth in this Section 21.”

ARTICLE IV, SECTION 22

Effective July 1, 2002, a new Article IV, Section 22 is added to read as follows:

“Section 22. Special Rules for Qualified Domestic Partners.”

(a) Except as provided in subsection (b) below, for purposes of this Plan, a spouse of a Participant shall be deemed to include the Participant’s Qualified Domestic Partner. Similarly, a married Participant shall be deemed to include a Participant with a Qualified Domestic Partner. Any additional requirements applicable to spouses or married Participants shall also apply to Qualified Domestic Partners; by way of example, a person shall not be considered a Surviving Spouse pursuant to Article V, Section 4, unless the Participant and such person have a current Affidavit of Domestic Partnership on file with the Plan at least one year prior to the Participant’s death.

(b) The preceding subsection (a) shall not apply to Article IV, Section 5 (relating to minimum distribution rules for married Participants), Article IV, Section 10 (relating to domestic relations orders) or Article IV, Section 14 (providing special rules under Code section 415 for benefits to spouses of Participants). In addition, subsection (a) shall not apply to any other Plan provision if inclusion of a Qualified Domestic Partner in the definition of “spouse” would violate the law or jeopardize the tax-qualification of the Plan.”

ARTICLE V, SECTION 1

Section 1(a)(2) is amended to read as follows:

“(2) 28.30% of such Employer contributions for each of such Participant’s Qualified Years in excess of twenty (20) Qualified Years, up to a maximum of an additional 141.5%,”

IN WITNESS WHEREOF, the Directors have executed this Amendment this 20th day of March, 2002.

UNION DIRECTORS

EMPLOYER DIRECTORS
