

## **PRODUCER-WRITERS GUILD OF AMERICA PENSION PLAN QUALIFIED DOMESTIC RELATIONS ORDER PROCEDURES**

This document outlines the procedures adopted by the Producer-Writers Guild of America Pension Plan (the “Plan”) for the determination and processing of Domestic Relations Orders (“DROs”) and Qualified Domestic Relations Orders (“QDROs”).

These procedures set forth general guidelines for processing DROs. They are designed to protect the Plan and its assets from the risk of tax disqualification and double payments, while at the same time providing assistance to the parties to the DRO. The Plan may make exceptions to these procedures on a case by case, or general basis if it is determined that the exceptions would better protect the interests of the Plan or the Plan’s assets. No formal procedure is necessary to make such an exception; neither these procedures, nor any instance in which these procedures are not followed, create any legal rights for Plan participants, spouses, dependents or any other parties. Because the particular facts and circumstances of each individual DRO, as well as the nature of the dispute among the parties varies, the Plan office and legal counsel may take different positions on different DROs and no party has the right to rely on these procedures or any exception to these procedures in any particular situation.

### **BENEFIT INFORMATION**

There are four ways to obtain information about a participant’s benefits under the Plan. The first is to provide the Plan with the participant’s written authorization allowing the release of information, together with a list of questions or information requested. The second is to provide the Plan with a valid subpoena for records and information. The authorization or subpoena must be delivered to the Plan office. The third is to provide the Plan with a valid joinder; in this case, the Plan will provide limited information regarding the amount of a participant’s current benefit. The fourth is to provide information sufficient to satisfy the Plan that the request for information by the prospective alternate payee is being made in connection with a domestic relations proceeding between such alternate payee and the participant.

### **QUALIFICATION DETERMINATION**

Upon receipt of a DRO, the Plan must make a determination as to whether or not such DRO constitutes a QDRO. To constitute a QDRO, a DRO must comply with certain tax rules, which generally require the DRO to:

1. Be a court order relating to the provision of marital property rights, child support or alimony;
2. Create or recognize an “alternate payee’s” right to receive all or a portion of a participant’s benefits (an “alternate payee” is a spouse, former spouse, child or other dependent of a participant who is recognized by a DRO as having a right to receive all, or a portion of the participant’s benefits under the Plan);
3. Clearly specify the name and last known mailing address of both the participant and the alternate payee;

4. Clearly specify the amount or percentage of the participant's benefits which are to be paid to the alternate payee (or the manner in which such amount is to be determined), the number of payments or period to which the order applies, and the correct name of the Plan to which the order applies;
5. Not require the Plan to provide a form or type of benefit, or any option, not otherwise provided under the Plan; and
6. Not require the Plan to provide increased benefits (determined on an actuarial basis) or require the Plan to provide benefits which are already subject to a prior QDRO.

### **QUALIFICATION PROCESS**

All DROs, whether in draft form or filed with the court, must be sent to the Plan office. The parties should ensure that a filed DRO submitted to the Plan is court-certified.

Upon receipt of a draft DRO (one that has not yet been filed with the court), or a court-filed DRO, the Plan office will review the DRO or will forward the DRO to the Plan's legal counsel. Upon receipt, the Plan office will also mail a copy of these procedures to the participant, the alternate payee named in the DRO (to the addresses specified in the DRO) and to the parties' respective attorneys, if any, whose identity is known to the Plan (unless such procedures have previously been sent). The Plan office or the Plan's legal counsel will review the DRO to determine if it constitutes a QDRO in accordance with Section 414(p) of the Internal Revenue Code of 1986, as amended, and Section 206(d)(3) of the Employee Retirement Income Security Act of 1974, as amended.

If it is determined that the DRO fails to constitute a QDRO, the Plan office or legal counsel shall send a letter to this effect to the participant and alternate payee named in the DRO and to the parties' respective attorneys, if applicable. Such notification shall state the reason the DRO fails to constitute a QDRO. If legal counsel or the Plan office deems it appropriate, notice may be made telephonically. The Plan recommends that, upon the parties' receipt of such notice, the parties submit any revised draft DRO to the Plan for review prior to filing it with the court.

If legal counsel or the Plan office determines that the DRO constitutes a QDRO, the Plan office or legal counsel shall send a letter to this effect to the participant and alternate payee named in the QDRO and to the parties' respective attorneys, if applicable. Alternatively, legal counsel or the Plan office may sign the QDRO and return it to the parties, or if legal counsel or the Plan office deems it appropriate, notify the parties telephonically. If the QDRO received by the Plan is a court-certified QDRO, it will be implemented in accordance with its terms. If the QDRO received by the Plan is a draft QDRO, the Plan will implement its terms upon receipt of a court-certified copy.

Benefits will not commence to a participant or an alternate payee under the terms of a court-certified QDRO until the Plan has received a completed application for benefits on forms provided by the Plan.

## **BENEFIT SUSPENSION PROCEDURES**

Receipt of a domestic relations order, which relates to a participant's benefits, requires the Plan to place an administrative hold on such benefits for a period of up to eighteen (18) months as soon as the Plan is administratively able to implement the hold following the date that the Plan receives such a domestic relations order. The 18-month period begins on the date that the hold is implemented whether or not the participant is actually receiving benefits. Fifty percent (50%) of the participant's monthly benefit shall automatically be withheld unless the domestic relations order specifies a different percentage. The domestic relations order must specify the name of the Plan and can be provided in three ways:

1. Receipt of a DRO. Upon the Plan's receipt of a draft or a court-filed DRO, the Plan will place a hold on the participant's benefits under the Plan in an amount equal to the amount which would have been payable to the alternate payee if the DRO had been qualified. If the Plan cannot determine the amount which would have been payable to the alternate payee pursuant to the terms of the DRO, the Plan will place a hold on fifty percent (50%) of the participant's benefits under the Plan.

2. Receipt of Joinder Pleading. California Family Code Section 2060 requires that joinder pleadings be filed in all California divorce proceedings. Therefore, the Plan requires that joinder pleadings be served on the Plan in all California dissolution cases. The Plan will also require joinder in all non-California cases where a party's counsel indicates to the Plan that joinder is required. Joinder pleadings must be mailed to the Plan office at the address below. Upon receipt of joinder pleadings, the Plan will generally place a hold on fifty percent (50%) of a participant's benefits under the Plan.

3. Receipt of Notice of an Alternate Payee's Interest. If either party provides the Plan with written notice that a prospective alternate payee has an interest in a participant's benefits under the Plan, the Plan will place a hold on fifty percent (50%) of the participant's benefits, or such other amount as may be required by the written notice.

## **RELEASE OR TERMINATION OF BENEFIT SUSPENSION**

An administrative hold will generally remain on a participant's benefits for a period of up to 18 months as soon as the Plan is administratively able to implement the hold following the date the Plan receives a domestic relations order as described above. The Plan will remove the administrative hold upon the Plan's receipt and review of the following documents: (i) a filed DRO and the Plan's determination that it is a QDRO; (ii) a court order indicating that the prospective alternate payee does not intend to obtain a QDRO; or (iii) a letter from the prospective alternate payee or his or her counsel that no QDRO will be filed with respect to the participant's benefits under the Plan<sup>1</sup> or in the event the Plan has been joined in the divorce proceeding, a release of joinder. If the Plan does not receive one of the items listed in (i) through (iii) above during the 18-month hold period, the Plan will release the administrative hold and pay any withheld amounts to the participant at the expiration of the 18-month period. If the administrative hold is removed because a QDRO was not obtained during the 18-month period, a QDRO may still be pursued at a later date. Any determination that a DRO is a QDRO after the

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<sup>1</sup> If such prospective alternate payee is not represented by legal counsel, then the notice shall be notarized.

18-month administrative hold period will be applied prospectively only from the date the Plan determines the order to be qualified. Finally, removal of the administrative hold does not imply that the Alternate Payee is waiving his or her rights to any portion of the participant's benefits under the Plan.

#### **ADDRESS OF THE PLAN OFFICE**

All correspondence and other documents sent to the Plan should be delivered to the Plan office at the following address:

Producer-Writers Guild of America Pension Plan  
2900 W. Alameda Avenue  
Suite 1100  
Burbank, CA 91505-4220  
(818) 846-1015