

**AMENDMENT NO. 5  
TO THE  
IRON WORKERS ST. LOUIS DISTRICT COUNCIL WELFARE PLAN**

In accordance with the authority granted to the undersigned Trustees in the Iron Workers St. Louis District Council Welfare Fund Summary Plan Description and Plan Document, as amended and restated in 2014, said Plan is hereby amended as follows:

**1. Effective July 13, 2016, Article XVIII, Subrogation – is amended by adding the following paragraphs to the end of the section, as follows:**

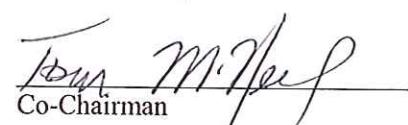
You and/or your Dependent(s) also grant the Fund a lien on the monies recovered from any Third Party in the amount of (i) all medical and disability claims paid on your and/or your Dependent's behalf, (ii) any money judgment entered against the Fund in the lawsuit brought by the attorney, and (iii) the Fund's attorney's fees and costs in defending the lawsuit, regardless of whether the Fund prevails or loses.

If you and/or your Dependent(s) retain your own attorney, you are wholly responsible for all attorney's fees or other expenses incurred to obtain the Third Party recovery. If the attorney(s) that you and/or your Dependent(s) retain in relation to an injury or illness brings a separate claim or lawsuit against the Fund to recover his/her attorney's fees under the Common Fund Doctrine, *quantum meruit*, unjust enrichment or other similar state laws, you and/or your Dependent(s) are required to reimburse the Fund from the money you and/or your Dependent(s) recover from any Third Party for (i) any money judgment entered against the Fund in the lawsuit brought by the attorney and (ii) the Fund's attorney's fees and costs defending the lawsuit, regardless of whether the Fund prevails or loses. You and/or your Dependent(s) shall fully indemnify, hold harmless and defend the Fund and its Trustees, employees and agents from and against any such claims or lawsuits. The Fund shall have the right to appoint counsel.

To the extent the Fund is required to initiate a formal proceeding against you and/or your Dependent(s) to enforce its reimbursement rights, you and/or your Dependent(s) shall also be responsible for the Fund's attorney's fees and costs incurred. In addition, to the extent the expenses, including but not limited to attorney's fees and costs, incurred by the Fund exceed the amount you and/or your Dependent(s) recover from any Third Party or you and/or your Dependent(s) refuse or fail to reimburse the Fund from any Third Party recovery, the Fund shall have the right to withhold benefits to you and/or your Dependent(s) until such time that the Fund is reimbursed in full for all expenses, including but not limited to attorney's fees and costs.

IN WITNESS WHEREOF, this Amendment to the Iron Workers St. Louis District Council Welfare Plan was signed on behalf of the full board of Trustees on the 13<sup>th</sup> of July 2016.

  
Dennis A. Allred  
Chairman

  
Tom M. Neff  
Co-Chairman