

PROCEDURES FOR HEARINGS
BEFORE THE BOARD OF TRUSTEES
of the
BURBANK EMPLOYEES RETIREE MEDICAL TRUST

Article IV of the Medical Expense Reimbursement Plan of the Burbank Employees Retiree Medical Trust, effective April 1, 2003, ("Plan") provides that any employee or beneficiary who applies for benefits and is ruled ineligible, or who is otherwise adversely affected by any action of the Trustees, shall have the right to request a hearing before the Board of Trustees. Further, Article X of the Trust Agreement Governing the Burbank Employees Retiree Medical Trust, effective April 1, 2003, requires the establishment of administrative procedures whereby participating employees or beneficiaries whose claims are denied may have a reasonable opportunity for a full and fair review.

To implement such provisions, the Board of Trustees has adopted the following Hearing Procedures.

Section 1 - Right to Hearing

Any employee or beneficiary who is dissatisfied with an eligibility determination, benefit claim decision, response regarding enforcement of rights under the Plan, response regarding clarification of rights to future benefits or eligibility, or who reasonably believes that he/she is or may be otherwise adversely affected by any action of the Trustees, shall have the right to a hearing before the Board of Trustees. All requests for hearings must be in writing. The written request shall specify the basis upon which the employee or beneficiary (hereinafter, the "Appellant") bases his or her entitlement to benefits, including specific facts and benefit plan provisions. In the case of a denied benefit claim, the request must be received at the Trust Office no later than one hundred and eighty-one (181) calendar days after the employee or beneficiary receives written notice of the denial. The Board of Trustees is hereafter referred to as the "Board."

Section 2 - Board or Committee Will Conduct Hearing

All hearings will be heard by the full Board, or as many members thereof as are able to attend, or by a duly authorized committee of the Board. The Chairperson of the Board (or in his or her absence, one of the other Trustees) shall chair the hearing.

Section 3 - Time and Place

The time and place of the hearing shall be fixed by the Board, and reasonable notice thereof shall be mailed to the Appellant. The Board, for good cause shown, may reschedule a hearing to a later date, except that any such rescheduling shall not delay the issuance of a decision past the time limits prescribed in Section 18, unless the Appellant waives the time limit in writing to the Trust Office, the Board, or Trust counsel.

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Section 4 - Failure to Attend Hearing

If an Appellant fails to attend a scheduled hearing, the Board may render its decision based solely on the contents of the Claim Appeal File, and any other evidence previously submitted; provided, however, that the Board may agree to schedule another hearing upon a showing by the Appellant that the failure to attend the previously scheduled hearing was for good and reasonable cause.

Section 5 - Counsel

An Appellant may be represented at the hearing by counsel or by another representative of his or her choosing. The Trust may be represented by its counsel.

Section 6 – Pre-Hearing Disclosures – Claim Appeal File

Not later than three (3) business days before the hearing, counsel for the Trust shall provide the Appellant, or his or her counsel or other representative, with a file containing a duplicate copy of all the materials in the administrative file that the Trust considers relevant to the matter under review. Likewise, counsel for the Trust shall furnish to the Appellant or his or her counsel or other representative any additional evidence he or she intends to offer at the hearing, including the names of any witnesses who will testify.

Not later than three (3) business days before the hearing, the Appellant, or his or her counsel or other representative, shall furnish to counsel for the Trust any additional evidence he or she intends to offer at the hearing, including the names of any witnesses who will testify. The pre-hearing disclosures by counsel for the Trust and by the Appellant referred to in this Section 6 shall collectively form the “Claim Appeal File.”

In an attempt to disclose all written evidence prior to the date of the hearing, the Appellant, or his or her counsel or representative, and counsel for the Trust shall be entitled to submit further evidence in response to the first round of disclosure, for addition to the Claim Appeal File. In addition, either party may present further written evidence during the last 3 days before the hearing, together with a declaration stating that the late disclosure was for good cause (e.g., prior unavailability of evidence).

Section 7 - Stenographic Record

Except where an Appellant proceeds exclusively on the basis of a written record as provided under Section 13 hereof, a stenographic record of the proceedings of the hearing shall be taken (although not necessarily printed as a formal transcript). The hourly cost of such court reporter or stenographer at the hearing shall be paid by the Trust. No transcripts shall be ordered unless one of the parties requests it. The party requesting the transcript will pay transcription costs.

Section 8 - Attendance at Hearing

Persons having a direct interest in the matter under review are entitled to attend the hearing. The Board may, in its discretion, require the exclusion of any witness or witnesses during the testimony of other witnesses. Also, the Board may, in its discretion, determine the propriety of the attendance of any other persons.

Section 9 - Recess

Once a hearing has begun, the Board, at its discretion, may recess the hearing to be reconvened at a later date. Any such recess shall not delay the issuance of a decision past the time limit prescribed in Section 18, unless the Appellant waives the time limit in writing to the Trust office, the Board, or Trust counsel.

Section 10 - Oaths

All witnesses shall testify under oath administered by the court reporter, stenographer, or Chairperson of the Board of Trustees.

Section 11 - Order of Proceedings

- (1) The hearing shall be opened by the Chairperson, who shall state the name of the Appellant, the nature of his or her request for a hearing; the place, time and date of the hearing; and the identities of those who are present.
- (2) Counsel for the Trust shall then introduce into the record all materials in the Claim Appeal File that are relevant to the matter under review.
- (3) The Appellant, or his or her counsel or other representative, shall then present such testimony as he may deem appropriate, including the testimony of witnesses. Any witnesses, including the Appellant, testifying for the Appellant may be cross-examined by Counsel for the Trust.
- (4) Counsel for the Trust shall then present such testimony of witnesses as counsel may deem appropriate. Any witness testifying at the request of counsel for the Trust may be cross-examined by the Appellant or his or her counsel or other representative.
- (5) The Board, in its discretion, may allow the Appellant and counsel for the Trust to present rebuttal evidence, including the testimony of rebuttal witnesses.
- (6) Members of the Board may question any witness called to testify.
- (7) At the conclusion of the presentation of evidence and testimony, the Appellant, or his or her counsel or other representative may present such argument as he or she deems appropriate; and Counsel for the Trust may present such argument as counsel deems appropriate. Unless extended by the Chairperson in his or her discretion, such arguments shall not exceed fifteen (15) minutes each.

Section 12 – Evidence in Claim Appeal File

Within the time limitations specified in Section 6 hereof, the Appellant and the Board shall furnish all relevant evidence they wish to present that can be obtained through the exercise of due diligence. Evidence that could have been obtained through the exercise of due diligence prior to the hearing, but was not submitted prior to the hearing, may not serve as the basis for a subsequent appeal of the same benefit claim. The Board shall be the judge of the relevancy and materiality of any evidence offered.

Section 13 - Submission of Case on Written Evidence Alone; Stipulated Evidence

By stipulation between the Appellant and the Board, or by failure to appear at the hearing, the Appellant may waive his right to testify and instead submit his or her case exclusively on the basis of the written record, including the Claim Appeal File.

The Appellant and counsel for the Trust may stipulate to the submission of short summaries of technical documents, such as medical records and medical reports, if the Board would consider it helpful to review summaries of such reports in more understandable language. Any such stipulated evidence shall be added to the Claim Appeal File.

Section 14 - Additional Evidence

The Board may request that Appellant or counsel for the Trust present such additional evidence as the Board, in its discretion, deems necessary to a proper determination of the matter under review.

Section 15 - Closing of Hearing

At the conclusion of the presentation of evidence and argument, the Chairperson shall declare the hearing closed and excuse the Appellant. While it is intended that the Appellant and Counsel for the Trust have a full opportunity to present evidence and argument, the Chairperson shall have the power to declare the hearing closed whenever the Chairperson determines that all relevant evidence and argument have been presented and that additional evidence or argument would be cumulative or repetitious.

Section 16 - Reopening of Hearing

The hearing record may be reopened by the Board on its own motion or on the motion of the Appellant, for good cause shown.

Section 17 – Good Cause for Reopening a Hearing

The Board of Trustees shall determine whether “good cause,” as that term is used in Section 16 hereof, has been shown, using a standard of reasonableness applicable to the facts and circumstances.

Section 18 - Time of Decision

The Board of Trustees will render a decision with respect to a matter under review not later than sixty (60) days after receipt by the Trust Office of the Appellant's written request for review under Section 1 hereof, unless the Appellant agrees in writing to an extension of time for decision of the appeal and waiver of the regulatory deadline. Such extension shall not exceed an additional ninety (90) days from the end of the initial period for decision.

Section 19 - Form of Decision

The Board shall issue a written decision affirming, modifying, or setting aside the former decision. A copy of the decision shall be mailed to the Appellant at his or her last known address or to his or her Counsel or other representative. The decision on review shall be furnished to the Appellant within the appropriate time described in Section 18.

Section 20 – Court Review

If the Appellant is dissatisfied with the written decision of the Board, he may wish to pursue his or her statutory rights to bring an action in court pursuant to the Employee Retirement Income Security Act of 1974 ("ERISA") Section 502(a).

Section 20 - Expenses

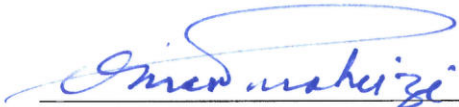
The Trust and the Appellant(s) shall each bear their own expenses in association with the appeal hearing, including the costs of counsel and of witness testimony.

Section 21 - Interpretation and Application

The Board shall have the power to interpret and apply these rules, which shall be the exclusive administrative appeal procedures available to a person dissatisfied with an eligibility determination, benefit claim decision, response regarding enforcement of rights under the Plan, response regarding clarification of rights to future benefits or eligibility, or who reasonably believes that he/she is or may be otherwise adversely affected by any action of the Trustees.

**For the BOARD OF TRUSTEES
BURBANK EMPLOYEES RETIREE MEDICAL TRUST**

Effective on the 1st day of August, 2013.



Trustee



Trustee