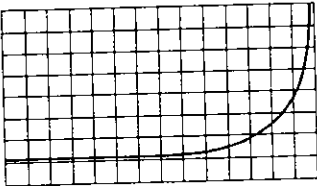


Alan T. Nahoum, Inc.  
580 White Plains Rd.  
Tarrytown, NY 10591  
Tel: 914-332-0688  
Fax: 914-332-1712



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Consulting Actuaries and Administrators

October 27, 2008

U.S. Department of Labor  
Employee Benefits Security Administration  
Public Disclosure Room N-1513  
200 Constitution Avenue, N.W.  
Washington, D.C. 20210

Multiemployer Program Division  
Pension Benefit Guaranty Corporation  
1200 K Street N.W.  
Suite 930  
Washington, D.C. 20005

Re: Milk Industry Office Employees' Pension Plan Notice of Critical Status

To whom it may concern:

Pursuant to ERISA section 305, we enclose herewith the Notice of Critical Status which was timely sent to employers, participants, beneficiaries and all other required persons under the Pension Protection Act of 2006.

Sincerely,

Alan T. Nahoum

ATN:rbn

cc: Colleen Lanza  
John Driscoll, Esq.

***Notice of Critical Status  
For  
Milk Industry Office Employees' Pension Plan***

This is to inform you that on September 28, 2008 the plan actuary certified to the U.S. Department of the Treasury, and also to the plan sponsor, that the plan will be in critical status for the plan year beginning July 1, 2008. Federal law requires that you receive this notice.

***Critical Status***

The plan is considered to be in critical status, because it has funding or liquidity problems, or both. More specifically, the plan's actuary determined that the funded percentage of the plan is 65% or less, and over the next four plan years, the plan is projected to have an accumulated funding deficiency for the 2011 and 2012 plan years.

**Rehabilitation Plan and Possibility of Reduction in Benefits**

Federal law requires pension plans in critical status to adopt a rehabilitation plan aimed at restoring the financial health of the plan. The law permits pension plans to reduce, or even eliminate, benefits called "adjustable benefits" as part of a rehabilitation plan. If the trustees of the plan determine that benefit reductions are necessary, you will receive a separate notice in the future identifying and explaining the effect of those reductions. Any reduction of the adjustable benefits (other than a repeal of a recent benefit increase, as described below) will not reduce the level of a participant's basic benefit payable at normal retirement. In addition, the reductions may only apply to participants and beneficiaries whose benefit commencement date is on or after October 27, 2008. But you should know that whether or not the plan reduces adjustable benefits in the future, effective as of October 27, 2008, the plan is not permitted to pay lump sum benefits (or any other payment in excess of the monthly amount paid under a single life annuity) while it is in critical status.

**Adjustable Benefits**

The plan offers the following adjustable benefits which may be reduced or eliminated as part of any rehabilitation plan the pension plan may adopt:

- ✓ Post-retirement death benefits;
- ✓ Sixty-month payment guarantees;
- ✓ Disability benefits (if not yet in pay status)
- ✓ Early retirement benefit
- ✓ Benefit payment options other than a qualified joint-and survivor annuity (QJSA);
- Recent benefit increases (i.e., occurring in past 5 years);

### **Employer Surcharge**

The law requires, that all contributing employers pay to the plan a surcharge to help correct the plan's financial situation. The amount of the surcharge is equal to a percentage of the amount an employer is otherwise required to contribute to the plan under the applicable collective bargaining agreement. With some exceptions, a 5% surcharge is applicable in the initial critical year and a 10% surcharge is applicable for each succeeding plan year thereafter in which the plan is in critical status.

### **Where to Get More Information**

For more information about this Notice, you may contact the Trustees of the Milk Industry Office Employees Pension Plan at 73 Hudson Street, New York, N.Y. 10013, telephone 212-528-1998. You have a right to receive a copy of the rehabilitation plan from the plan.