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**POST-65 UPDATE**


Our Federal Court lawsuit has been filed in Federal Court in Pittsburgh. Dominion has obtained a law firm in Milwaukee, Wisconsin to represent it in this case and that law firm will be handling the case in Pittsburgh. The company's attorney filed a request that our case be dismissed, citing various legal theories for his position. His main position is that the law states that unless an employer has clearly agreed in writing that medical benefits should be provided to retirees, an employer's duty to provide medical benefits stops when an individual retires. While this is generally correct, the United States Supreme Court has held that if there is a written document that seems to provide medical benefits for someone after retirement, that document must be given a common-sense analysis to see if it does provide for medical benefits after retirement.

Our position is that the Summary Plan Description for Medical Benefits does provide for medical benefits after retirement and that the company has provided those benefits for many years. The Medical Plan Summary Plan Description also says that no change in medical benefits can be made without the Union's consent.

The judge to whom our case was assigned requested me and the Company attorney to appear before him on January 15, 2019, to discuss our respective legal positions and to provide him with the legal authorities that we each contend support our positions. We did this and the judge has taken this under advisement. He has not yet decided whether the case will be dismissed or will proceed.

If he decides that it should be dismissed, we will appeal the decision to the Court of Appeals. If he decides that the case should proceed, it will proceed as I outlined in my October 12, 2018 update. This means that the case will be submitted to an impartial mediator to see if it can be settled without a court trial. This will not delay the proceedings because the mediation is to occur while the case continues to proceed. If it can be settled by the mediator, there will not be any need for a trial. If it cannot be settled, the court will set a trial date for the final hearing. As soon as the judge makes his decision, I will notify everyone and I will prepare a new update.

Very truly yours,



Sam Pasquarelli