

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, CHANCERY DIVISION

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CIRCUIT COURT OF COOK COUNTY  
CHANCERY DIVISION

Michael W. Underwood, et al.,  
Plaintiffs,

v.

CITY OF CHICAGO, a Municipal Corporation,

Defendant,

And

Trustees of the Policemen's Annuity and Benefit Fund of Chicago;  
Trustees of the Firemen's Annuity and Benefit Fund of Chicago;  
Trustees of the Municipal Employees' Annuity and Benefit Fund of Chicago; and  
Trustees of the Laborers' & Retirement Board Employees' Annuity & Benefit Fund of Chicago, et al.

2013 CH 17450

Defendants.

**LABORERS' & RETIREMENT BOARD EMPLOYEES'  
ANNUITY & BENEFIT FUND OF CHICAGO  
POSITION STATEMENT REGARDING PAYMENT OF HEALTH CARE SUBSIDIES**

This Court ordered the Funds and the City to present their respective positions concerning whose obligation it is to pay for the health care subsidies that were reinstated by the Illinois Appellate Court pursuant to 1985 Amendments to Section 11-160.1 of the Illinois Pension Code.

In its Opinion, the Appellate Court stated that "[o]n remand, the court will have to find a workable solution to address how the [health care] subsidy will be funded as the court already indicated it would for Subclass 3 under the 1983 and 1985 Amendments. Where a reviewing court remands a cause with specific instructions they must be followed exactly. *Aguilar v. Safeway Ins. Co.*, 221 Ill. App 3d 1096, 1099 (1st Dist. 1991). Moreover, if specific instructions are not given in a reviewing court's mandate, the trial court must examine the reviewing court's

Opinion and determine from that Opinion what further action would be proper and consistent with the Opinion. *Id.*

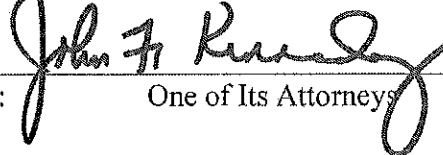
The Appellate Court's instructions with regard to funding the subsidy are clear: "under the 1985 Amendment, the City is obligated to pay \$25.00 per month for its municipal employees and laborers and retirement board employees." (1985 Amendment to Section 11-160.1 of the LABF's Pension Code). There is no ambiguity in the Opinion. The City is obligated to pay the health insurance subsidy for its laborers and retirement board employees. (Opinion ¶40.) (see also Opinion, ¶¶ 37 and 57)

The Laborers' Fund also adopts the arguments set for by the Municipal Fund and Firemen's Fund and incorporates those arguments by reference herein.

Accordingly, this Court should find, based on the Appellate Opinion in this case, that the City must pay the \$25.00 per month health insurance subsidy for those LABF members eligible under the 1985 Amendment.

Dated: June 15, 2018

Respectfully Submitted,  
LABORERS & RETIREMENT BOARD EMPLOYEES'  
ANNUITY & BENEFIT FUND OF CHICAGO,  
Defendant

By:  \_\_\_\_\_  
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