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**ALTON FIREFIGHTERS FILE SUIT AGAINST CITY;
SEEK TO ENFORCE LAW, RECOVER UNFUNDED PENSION CONTRIBUTIONS**

Alton, IL, Oct. 29, 2007. . . The Trustees of the Alton Firefighters Pension Fund (AFPF) have hired Danna McKittrick, P.C., of Clayton, Mo. and filed suit against the City of Alton, Ill. Dan Tobben, an attorney with Danna McKittrick, was the lead litigator in a similar retirement benefits case that resulted in the Missouri Supreme Court ordering the City of St. Louis to pay millions of dollars for under funding benefit programs for its fire, police and other municipal employees. Tobben's client, The Firemen's Retirement System of St. Louis, recently received \$49.4 million. Jeff Schmitt of Danna McKittrick will also be significantly involved in this litigation on behalf of AFPF.

In a report on the failure of the city to adequately fund the firefighters' pension fund, Tobben stated "The Pension Plan is in such bad shape that, in the most recent year, the assets in the Plan declined, even though the investment return exceeded the 7 percent actuarial interest assumption...It is very possible that this plan has ceased being on the 'slippery slope' and is now beginning a 'death spiral,' unless there is a significant infusion of money by the City." The AFPF commissioned Danna McKittrick to prepare this report and analysis.

According to the report's findings, the City of Alton has underfunded contributions to the firefighters pension fund for many years, and certainly since 2000. The level of the contributions by the city and its firefighters is required by state law to be actuarially reviewed annually to determine the levels of contributions by the city in order to keep the pension fund solvent and meet the future obligations to retirees. The contribution is calculated by a state-employed actuary and also by an independent actuary. The city council must the levy taxes in order to generate money to support the pension fund in accordance with state statute.

"AFPF is facing a much worse financial situation than the police and fire pension funds faced when St. Louis was ordered to fully fund its pension obligations. Alton appears to have used money that had to be paid to the pension fund as sort of a piggy bank to pay for other city programs at the expense of the firefighters' and their dependents' future," Tobben said.

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Danna McKitrick Alton
First and Final Add

In the report to the trustees of the AFPP, which was delivered at a meeting with City officials on Sept. 11th at Alton City Hall, Tobben noted that “the Trustees have the duty to make sure the law is enforced and to try to ensure that the City of Alton is no longer allowed to violate the law, to the detriment of present and future beneficiaries of the AFPP. Alton needs to follow the law,” he said.

Matt Williams, who serves as the liaison between the Alton Firefighters Pension Fund Board and the City of Alton said the suit is the culmination of a long and difficult effort. “We have been aggressively working to resolve the unfunded liability issue since August 2005 and have been unable to agree on a workable plan,” Williams said.

“Even with reasonable funding, states and municipalities across the U.S. may face difficulties in public pension funding as the workforce ages, and people live longer,” Tobben said. “Improperly low levels of funding cannot be tolerated under these circumstances.”

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About Danna McKitrick: Located in Clayton, Missouri, Danna McKitrick, P.C. delivers legal representation to businesses (emerging to national), insurers, and individuals throughout the Midwestern region. The firm is on the Web at www.dannamckitrick.com. (A photo of Dan Tobben is available from the Web site).

ADDENDUM

EXCERPTS FROM THE ALTON FIREFIGHTERS PENSION FUND SUIT AGAINST CITY OF ALTON FILED OCT. 29, 2007

The information below is taken directly from the lawsuit filed this morning by Dan Tobben of Danna McKitrick, representing the Alton Firefighters Pension Fund:

10. Inserted below is a chart showing the normal costs and the unfunded actuarial liability, which, when added, constitute the total annual actuarial requirement in accordance with the statutes for the years 2000

to present. The fifth column shows the City of Alton's contribution to the Alton Firefighters Pension Fund for that year, and the final column shows the shortfall which was to be contributed, in accordance with law, but which was not contributed by the City of Alton.

CALENDAR YEAR	NORMAL COST +	UNFUNDED ACTUARIAL LIABILITY =	TOTAL AMOUNT CERTIFIED PER STATUTE BY ACTUARIES AT ILLINOIS D.O.I. -	AMOUNT OF CITY'S CONTRIBUTION TO AFPF =	AMOUNT REQUIRED TO BE CONTRIBUTED BUT NOT CONTRIBUTED
2000	\$ 656,173.00	\$ 426,527.00	\$ 1,082,700.00	\$ 634,162.01	\$ 448,537.99
2001	614,173.00	621,281.00	1,235,558.00	670,117.10	565,440.90
2002	688,544.00	716,366.00	1,404,910.00	675,804.32	729,105.68
2003	724,412.00	937,503.00	1,661,915.00	670,250.72	991,664.28
2004	691,105.00	953,260.00	1,644,365.00	723,004.83	921,360.17
2005	731,296.00	1,040,874.00	1,772,170.00	748,228.64	1,023,941.36
2006	770,588.00	1,286,218.00	2,056,806.00	812,225.55	1,244,580.45
2007	765,625	1,427,247	2,192,872		

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35. The relief the Plaintiff Trustees seek is mandated by statute and is necessary to fund the constitutionally guaranteed benefits of current beneficiaries, current AFPF participants and future AFPF beneficiaries and participants, and to the spouses and children of deceased and severely injured firefighters.

WHEREFORE, the above premises considered, Plaintiffs pray that the Court enter judgment in Plaintiffs' favor as follows:

- (a) Declaring the rights of the parties and entering its declaration that, as a matter of law, the City of Alton must levy taxes on municipal property in accordance with state statute based on the actuarial calculations and determination of normal cost and the unfunded accrued liability, as set forth in the statute, and take such steps as are necessary to ensure that such tax proceeds are transferred to AFPF and Plaintiff Trustees, so that the funds may be invested to generate earnings and income.

Plaintiffs seek this relief as to all Defendants for the present year, and for all future years;

- (b) Ordering, in the form of a permanent, mandatory injunction, for the present year and for all future years, that the City of Alton and the City Council levy taxes on municipal property in accordance with state statute based on the actuarial calculations and determination of normal cost and the unfunded accrued liability, as set forth in the statute, and take such steps as are necessary to ensure that such tax proceeds are transferred to AFPF and Plaintiff Trustees, so that the funds may be invested to generate earnings and income; and
- (c) Plaintiff Trustees also pray for such other and further relief, declarations, orders and judgments as the Court deems just and appropriate under these circumstances.

Editor's note: The entire text of the lawsuit can be accessed at the Danna McKitrick P.C. law firm's Web site at [www.dannamckitrick.com](http://www.dannamckitrick.com)