

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

	)	
In re:	)	Chapter 11
	)	
YELLOW CORPORATION, et al., <sup>1</sup>	)	Case No. 23-11069 (CTG)
	)	
Debtors.	)	(Jointly Administered)
	)	

**DEBTORS’ RULE 30(B)(6) DEPOSITION NOTICE TO  
CENTRAL STATES PENSION FUND**

PLEASE TAKE NOTICE that on **Thursday, May 23, 2024, beginning at 9:00 a.m. Central Time**, or at such other date and time as mutually agreed upon, counsel for the above-captioned debtors and debtors in possession (“**Debtors**”) will take the discovery deposition of the Central States Pension Fund (“**CSPF**”) pursuant to Federal Rule of Civil Procedure 30(b)(6) (“**Federal Rules**”), made applicable to the above-captioned chapter 11 cases by Rules 7026, 7030, and 9014 of the Federal Rules of Bankruptcy Procedure (“**Bankruptcy Rules**”). Pursuant to Rule 30(b)(6), CSPF shall designate one or more officers, directors, managing agents, or other persons to testify on its behalf as to the matters listed in **Exhibit A** hereto.

The deposition will be taken remotely before a notary public or other officer authorized by law to take depositions or administer oaths and will be recorded by stenographic means and by videotape for purposes of discovery, for use at trial, and for such other purposes authorized or permitted by the Federal Rules or the Bankruptcy Rules. The examination will continue from day to day until completed. All parties are invited to attend and cross-examine.

<sup>1</sup> A complete list of the Debtors in these chapter 11 cases may be obtained on the website of the Debtors’ claims and noticing agent at <https://dm.epiq11.com/YellowCorporation>. The location of the Debtors’ principal place of business and the Debtors’ service address in these chapter 11 cases is: 11500 Outlook Street, Suite 400, Overland Park, Kansas 66211.

Dated: April 26, 2024  
Wilmington, Delaware

*/s/ Laura Davis Jones*

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Laura Davis Jones (DE Bar No. 2436)  
Timothy P. Cairns (DE Bar No. 4228)  
Peter J. Keane (DE Bar No. 5503)  
Edward Corma (DE Bar No. 6718)  
**PACHULSKI STANG ZIEHL & JONES LLP**  
919 North Market Street, 17th Floor  
P.O. Box 8705  
Wilmington, Delaware 19899-8705 (Courier 19801)  
Telephone: (302) 652-4100  
Facsimile: (302) 652-4400  
Email: ljones@pszjlaw.com  
tcairns@pszjlaw.com  
pkeane@pszjlaw.com  
ecorma@pszjlaw.com

-and-

Patrick J. Nash, P.C. (admitted *pro hac vice*)  
David Seligman, P.C. (admitted *pro hac vice*)  
Michael B. Slade (admitted *pro hac vice*)  
**KIRKLAND & ELLIS LLP**  
**KIRKLAND & ELLIS INTERNATIONAL LLP**  
300 North LaSalle  
Chicago, Illinois 60654  
Telephone: (312) 862-2000  
Facsimile: (312) 862-2200  
Email: pnash@kirkland.com  
dseligman@kirkland.com  
mslade@kirkland.com

Allyson B. Smith (admitted *pro hac vice*)  
**KIRKLAND & ELLIS LLP**  
**KIRKLAND & ELLIS INTERNATIONAL LLP**  
601 Lexington Avenue  
New York, New York 10022  
Telephone: (212) 446-4800  
Facsimile: (212) 446-4900  
Email: allyson.smith@kirkland.com

*Co-Counsel for the Debtors and Debtors in Possession*

**EXHIBIT A**

## DEFINITIONS

The following definitions shall be incorporated into each and every Topic set forth in this Rule 30(b)(6) Deposition Notice:

1. “**ARPA**” shall mean the American Rescue Plan Act of 2021.
2. “**CSPF**,” “**You**,” or “**Your**” shall mean the Central States Pension Fund, as well as any of their present or former agents, affiliates, controlled subsidiaries, officers, directors, managers, principals, members, employees, independent contractors, advisory board members, financial advisors, partners, attorneys, accountants, actuaries, investment bankers, consultants, representatives, and other professionals, each in their capacity as such, affiliates, divisions, professionals, and all other persons acting or purporting to act on their behalf.
3. “**Debtors**” shall mean the above-captioned debtors and debtors in possession.
4. “**Including**,” shall mean “including, but not limited to” and “including, without limitation.”
5. “**Proofs of Claim**” shall mean (a) any and all proofs of claim You filed in this Bankruptcy Case; (b) any exhibits or attachments to any such proof of claim; and (c) any underlying contracts, agreements, transactions, or other documents alleged to give rise to the claim asserted in the POCs.
6. “**Special Financial Assistance**” shall mean the special financial assistance authorized by and available to multiemployer pension plans under ARPA.
7. “**Unfunded Vested Benefits**” shall have the meaning set forth in Section 4213(c) of the Employee Retirement Income Security Act of 1974.
8. “**2014 Letter**” shall mean the “Guarantee of Continued Participation” dated January 29, 2014, that is attached to Proofs of Claim No. 4336- 4352, as Attachment 4.

## TOPICS OF EXAMINATION

1. Your calculation of the Debtors' withdrawal liability, Including: how You selected the actuarial assumptions used in determining the Plan's liabilities; how You calculated the plan's Unfunded Vested Benefits; the methodology You selected for calculating the Debtors' share of any such Unfunded Vested Benefits; how You calculated the Debtors' share of any such Unfunded Vested Benefits; how You applied 29 U.S.C. § 1381(b) to calculate the Debtors' withdrawal liability; how You calculated the Debtor's annual withdrawal liability payment, Including how You selected the highest contribution rate used in the calculation of the Debtors' annual withdrawal liability payment; and whether Your calculation of Unfunded Vested Benefits included any liabilities associated with the deceased individuals on whose behalf You received (and later returned) certain Special Financial Assistance.

2. Your applications for Special Financial Assistance under ARPA, Including Your representation that there would be “[z]ero future withdrawal liability payments . . . for [Debtors], and/or that “any withdrawal liability collection [from the Debtors] would be *de minimis*,” and any of Your communications with the Pension Benefit Guaranty Corporation (“**PBGC**”) regarding how to account for Debtor's potential withdrawal liability in Your application for Special Financial Assistance

3. Your receipt of Special Financial Assistance, Including: when You first included Special Financial Assistance as a plan asset; when You received any Special Financial Assistance funding; how the receipt of Special Financial Assistance has impacted Your projected solvency and/or would have reduced Your Unfunded Vested Benefits if recognized as a plan asset immediately upon approval of Your application; how the receipt of Special Financial Assistance has impacted Your calculation of the Debtors' withdrawal liability; and how the receipt of Special Financial Assistance has impacted Your ability to pay participants' accrued benefits into the future.

4. Your involvement in or lobbying of the PBGC's decision to require phased recognition of Special Financial Assistance in determining withdrawal liability, Including, but not limited to, any involvement in developing the PBGC's assumptions about employer withdrawals if Special Financial Assistance were not phased-in for withdrawal liability purposes. *See* 87 FR 40968.

5. How You have invested or plan to invest or otherwise use any Special Financial Assistance funding.

6. The long-term expected return on Your plan assets, including Special Financial Assistance.

7. The 2014 Letter, Including: the negotiation and terms of the 2014 Letter; the Proofs of Claim that You filed in these chapter 11 proceedings based on the 2014 Letter; and the damages You have allegedly incurred in connection with the 2014 Letter.

8. How contributions paid under the 2014 Letter would be applied to participants benefits calculations, if at all.

9. Your decision to deem the Debtors' participation in CSPF terminated as of July 23, 2023.

10. The impact of the Debtors' chapter 11 filing (if any) on CSPF.

11. How You intend to use any recovery that You receive in these chapter 11 proceedings in connection with Your Proofs of Claim.

12. How Your repayment to the PBGC of Special Financial Assistance received for deceased participants affects your vested liabilities and Your assets.

13. Your contention that Debtors are not entitled to a 20-year limitation on any alleged withdrawal liability payments to CSPF because the Debtors are “in default” as set forth 29 U.S.C. § 1399(c)(5)(B).