

EXHIBIT N-2

Form of Language on Class Action Claimant Privity

Privity: The individual plaintiffs and the Class have asserted claims for breach of fiduciary duty against the Trustee Defendants on behalf of the Plans pursuant to ERISA Section 409, 29 U.S.C. Section 1109, which provides for recovery for "any losses to the Plan." The Trustee Defendants have also asserted claims on behalf of the Plans in court-ordered mediation and the related actions against third parties. The individual plaintiffs and the Class acknowledge that they are in privity with the Trustee Defendants with regard to these related actions and therefore may not re-litigate claims on behalf of the Plans against these third parties arising out of the Plans' investments managed by Capital Consultants.