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Douglas L. Hanisch
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May 30, 2003

CERTIFIED MAIL --
RETURN RECEIPT REQUESTED

**ERISA LABOR DEPARTMENT STATEMENT
DEFERRED COMPENSATION PLAN**

TO: Top Hat Plan Exemption
Pension and Welfare Benefits Administration
Room N-5644
U.S. Department of Labor
200 Constitution Avenue NW
Washington, D.C. 20210

FROM: Employer: Berry Companies, Inc.
E.I.N.: 48-0797941
Address: 3223 North Hydraulic
Wichita, Kansas 67219

DATE: May 30, 2003

This document constitutes the statement required 29 C.F.R. Section 2520.104-23 to be filed with the Secretary of Labor.

The above referenced employer currently maintains four (4) plans primarily for the purpose of providing deferred compensation for a select group of management or highly compensated employees. The number of employees currently participating in each plan is as follows:

- Berry Companies, Inc. Deferred Compensation Agreement - Paul M. Hall - one participant
- Berry Companies, Inc. Deferred Compensation Agreement - Art Hudson - one participant

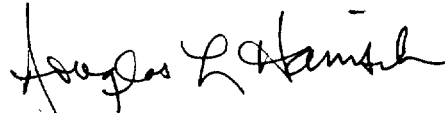
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- Berry Companies, Inc. Deferred Compensation Agreement - John A. Engels - one participant
- Berry Companies, Inc. Deferred Compensation Agreement - Fred J. Berry, Jr. - one participant

If you have any questions, please do not hesitate to contact the undersigned.

Very truly yours,

FOULSTON SIEFKIN LLP

A handwritten signature in black ink, appearing to read "Douglas L. Hanisch". The signature is written in a cursive style with a large initial "D".

Douglas L. Hanisch

DLH/cb
cc: Ms. Judy Worrell

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