



**JUDGMENT IS HEREBY ENTERED** against defendant Bloomgren in accordance with the prayer of the complaint in the above-styled action; and it is

**ORDERED, ADJUDGED, AND DECREED** that:

- A. Bloomgren is a named Trustee to the Earmold Design Inc. Savings Plan (“Plan”).
- B. Bloomgren is a fiduciary, within the meaning of ERISA, to the Plan.
- C. During the period from January 4, 2008 through July 21, 2010, Bloomgren failed to remit \$10,642.36 in withheld participant contributions and \$6,804.00 in withheld participant loan repayments to the Plan.
- D. During the period from January 1, 2008 through November 19, 2009, Bloomgren failed to remit an additional \$15,900.42 in participant contributions and \$7,396.00 in loan repayments to the Plan in a timely manner.
- E. Bloomgren violated 29 U.S.C. §1104 and §1106 by failing to forward the employee contributions and participant loan repayments to the Plan, and by failing to timely forward to the Plan other employee contributions.
- F. Bloomgren is removed as a fiduciary of the Plan.
- G. Bloomgren is permanently enjoined from violating the provisions of Title I of ERISA.
- H. Bloomgren is permanently enjoined from serving as a fiduciary or a service provider to any ERISA-covered plan.
- I. Bloomgren shall correct the prohibited transaction in which he engaged.
- J. Bloomgren shall immediately pay \$19,927.96, including \$2,481.60 in lost opportunity costs, to the Plan, which resulted from his fiduciary breaches; and

shall notify the Department of Labor, Employee Benefits Security Administration,  
Attn: Kelley Quinn, 2300 Main St, Ste 1100, Kansas City, MO 64108, within 30  
days of payment.

- K. The Secretary is awarded the costs of this action; and
- L. The Court retains jurisdiction for purposes of enforcing compliance with the terms  
of this Default Judgment.

Dated: October 15, 2012.

s/David S. Doty

**DAVID S. DOTY, JUDGE**  
**UNITED STATES DISTRICT COURT**