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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

HILDA L. SOLIS, Secretary of Labor,
United States Department of Labor,

Plaintiff,

v.

FAMILY CARE MANAGEMENT, ROBERT
KAPLAN, MICHAEL KAPLAN, ARNOLD
KAPLAN, and the FAMILY CARE MANAGEMENT
401(K) & PROFIT SHARING PLAN

Defendants.

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: Case No. 1:11-cv-02508
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: Hon. Charles R. Norgle
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**CONSENT ORDER AND JUDGMENT WITH REGARD TO
FAMILY CARE MANAGEMENT, MICHAEL KAPLAN, AND THE
FAMILY CARE MANAGEMENT 401(k) & PROFIT SHARING PLAN**

Plaintiff, Secretary of Labor, United States Department of Labor, pursuant to the provisions of the Employee Retirement Income Security Act of 1974("ERISA"). as amended, 29 U.S.C. §1001, et seq., filed a complaint against defendants Family Care Management, Michael Kaplan and the Family Care Management 401(k) & Profit Sharing Plan ("the Plan"), among others, alleging breaches of the defendants' fiduciary responsibilities under ERISA §§ 404(a)(1)(A) & (B) with respect to the Plan.

Defendants Family Care Management, Michael Kaplan and the Plan have been served with a copy of the summons and complaint in this matter and now admit to the jurisdiction of this Court over them and the subject matter of this action.

The plaintiff and defendants Family Care Management, Michael Kaplan and the Plan have agreed to resolve all matters in controversy in this action between them, and said parties do

now consent to entry of a Judgment and Order by this Court in accordance therewith.

Upon consideration of the record herein, and as agreed to by the parties, the Court finds that it has jurisdiction to enter this Consent Order and Judgment.

IT IS THEREFORE ORDERED that:

1. Defendant Michael Kaplan shall immediately assume responsibility for and shall have authority to collect, liquidate, and manage such assets of the Plan for the benefit of the eligible participants and beneficiaries of the Plan who are entitled to receive such assets, until such time that the assets of the Plan are distributed to the eligible participants and beneficiaries of the Plan;

2. Defendant Michael Kaplan shall exercise reasonable care and diligence to identify and locate each participant and beneficiary of the Plan who is eligible to receive a payment under the terms of this consent order and to disburse to each such eligible participant or beneficiary the payment to which he or she is entitled;

3. Defendant Michael Kaplan shall have full access to all data, information and calculations in the Plan's possession or under its control, including that information contained in the records of the Plan's custodial trustees and other service providers, bearing on the distribution of benefit payments, participant account balances and current plan assets;

4. Defendant Michael Kaplan may retain such persons and firms including but not limited to accountants and attorneys, as may be reasonably required to perform his duties hereunder;

5. The reasonable and necessary fees and expenses for terminating the Plan and distributing its assets shall be paid by the Plan, pursuant to the Plan documents.

6. Upon final termination of the Plan and distribution of the Plan's assets, Michael Kaplan shall provide proof and a final report and accounting of such termination and distribution of the Plan's assets to the Regional Director, Chicago Regional Office, Employee Benefits Security Administration, 230 S. Dearborn St., Suite 2160, Chicago, IL 60604.

7. Each party agrees to bear his, her or its own attorneys' fees, costs and other expenses incurred by such party in connection with any stage of this proceeding to date including, but not limited to, attorneys' fees which may be available under the Equal Access to Justice Act, as amended.

8. The Court shall maintain jurisdiction over this matter only for purposes of enforcing this Consent Order and Judgment.

9. Nothing in this Order is binding on any government agency other than the United States Department of Labor.

11-10-11

~~DATED~~ _____ 2011

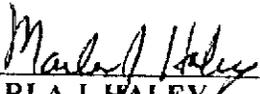
HONORABLE CHARLES R. NORGLÉ
UNITED STATES DISTRICT JUDGE

The parties hereby consent to the entry of this Consent Order and Judgment:

FOR THE SECRETARY OF LABOR:

M. PATRICIA SMITH
Solicitor of Labor

JOAN E. GESTRIN
Regional Solicitor



MARLA J. HALEY
Trial Attorney

Dated: 11/8/11

P.O. ADDRESS:
Office of the Solicitor
U.S. Department of Labor
230 South Dearborn Street, 8TH Floor
Chicago, Illinois 60604
Telephone: (312) 353-4455
Facsimile: (312) 353-5698
Haley.Marla@dol.gov

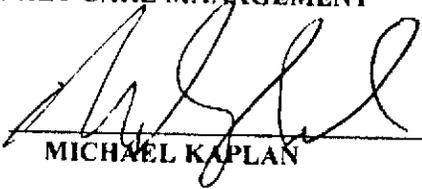
**FOR THE DEFENDANTS MICHAEL KAPLAN, FAMILY CARE MANAGEMENT, AND THE
FAMILY CARE MANAGEMENT 401(k) & PROFIT SHARING PLAN:**



MICHAEL KAPLAN

Dated: 11/2/11

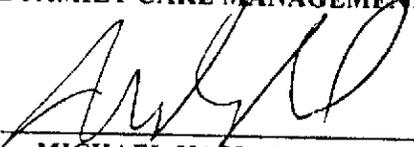
FAMILY CARE MANAGEMENT

By: 
MICHAEL KAPLAN

DATED: 11/2/11

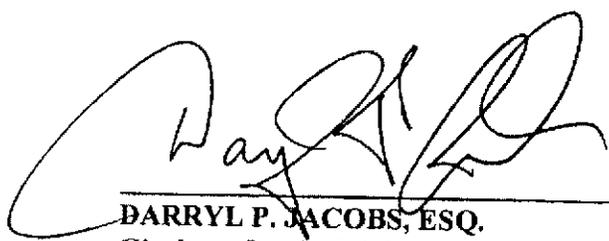
Its: Vice pres
VICE PRESIDENT

THE FAMILY CARE MANAGEMENT 401(k) & PROFIT SHARING PLAN

By: 
MICHAEL KAPLAN

DATED: 11/2/11

Its: Trustee
TRUSTEE



DARRYL P. JACOBS, ESQ.
Ginsberg Jacobs LLC
Attorneys for Defendants Michael Kaplan,
Family Care Management, and the Plan,
300 South Wacker Drive; Suite 2450
Chicago, IL 60606
Telephone: (312) 660-9615
Facsimile: (312) 660-9612