

FILED IN CHAMBERS
U.S.D.C. - Rome

JAN 02 2014

JAMES N. HATTEN, Clerk
J. Hatten
Deputy Clerk

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

THOMAS E. PEREZ,)
Secretary of Labor,)
United States Department of Labor,)
)
Plaintiff,)
)
v.)
)
ZHOHOURI GROUP, LLC, FARBOD S. ZHOHOURI,)
LYNN SCHAEFFER and ZHOHOURI GROUP, LLC)
401(k) PLAN,)
)
Defendants.)
)

FILE NO.
1:12-cv-03119-RLV

ORDER

The Secretary filed this action against Defendant Zohouri Group, LLC pursuant to §§ 502(a)(2) and 502(a)(5), 29 U.S.C. §§ 1132(a)(2) and 1132(a)(5), of the Employee Retirement Income Security Act of 1974, as amended, 29 U.S.C. § 1001 et seq., hereinafter referred to as "ERISA." The Secretary sought to enjoin acts and practices by Defendant which violated the provisions of Title I of ERISA with respect to the Zohouri Group LLC 401(k) Plan (hereinafter the "Plan"). Defendant Zohouri Group, LLC was served in accordance with the Federal Rules of Civil Procedure. The Plaintiff moved for default judgment.

WHEREFORE, it is hereby ordered, adjudged, and decreed that,

- A. Plaintiff's motion for default judgment is **GRANTED**;
- B. Defendant Zohouri Group, LLC is hereby enjoined from violating the provisions of Title I of ERISA;

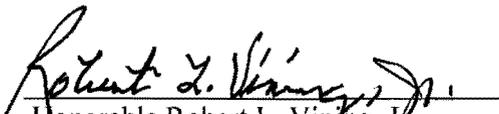
C. Defendant Zohouri Group, LLC is hereby permanently enjoined from acting as a fiduciary, trustee, agent, or representative in any capacity to any employee benefit plan, as defined by ERISA.

D. Jeanne Bryant, P.O. Box 2307, Brentwood, Tennessee 37024, is hereby appointed as successor fiduciary for the Plan and:

- a. The successor fiduciary shall terminate the Plan and distribute the Plan's assets.
- b. The successor fiduciary shall have all the rights, duties, and responsibilities of any fiduciary or trustee described under the Plan documents or the applicable law, with respect to the successor fiduciary's duties.
- c. The successor fiduciary is authorized to delegate or assign fiduciary duties as appropriate and allowed under the law.
- d. The successor fiduciary shall be entitled to receive reasonable fees and expenses for her services, payable from the assets of the Plan. Defendant Zohouri Group, LLC shall be responsible for reimbursing the Plan for the entire successor fiduciary's reasonable fees and expenses with respect to services performed for the Plan. Prior to obtaining payment for services and expenses authorized pursuant to this consent judgment, the successor fiduciary shall file with the Court, with copies to all parties, invoices for such fees and expenses at such times and on such a schedule as the successor fiduciary, in his sole discretion, deems appropriate.

The Court, finding that there is no just reason to delay the entry of this Judgment, expressly directs the entry thereof as a final order, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure.

SO ORDERED this 2nd day of Jan. 2014.


Honorable Robert L. Vinson, Jr.
Senior United States Magistrate Judge