

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

SETH D. HARRIS,)
ACTING SECRETARY OF LABOR,)
United States Department of Labor,)

Plaintiff,)

v.)

THE HARTFORD CONSTRUCTION)
GROUP, LLC; THE HARTFORD)
CONSTRUCTION LLC 401(k) PROFIT)
SHARING PLAN & TRUST; THE)
HARTFORD CONSTRUCTION GROUP LLC)
GROUP HEALTH PLAN; and TRAVIS M.)
DONNELLY,)

Defendants.)

FILE NO.

1:12-cv-04465-AT

JUDGMENT

This action was brought by Plaintiff, Acting Secretary of Labor, United States Department of Labor (the “Secretary”), against Defendants pursuant to Sections 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”). Defendants The Hartford Construction Group, LLC and Travis M. Donnelly were served with the Secretary’s Complaint in this matter accordance with Fed.R.Civ.P. 4 on April 9, 2013. The Clerk of Court, pursuant to Fed.R.Civ.P. 55(a), entered default as to Defendants on April 24, 2013. The Plaintiff has now moved for default judgment.

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

A. Plaintiff’s motion for default judgment is GRANTED;

B. Defendants are hereby enjoined from violating the provisions of Title I of ERISA;

C. Defendants are 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. Defendants shall make restitution to The Hartford Construction Group 401(k) Profit Sharing Plan & Trust (“Hartford Plan”) in the amount of \$3,954.12, plus additional lost earnings from June 3, 2013 through the date of judgment, with post judgment interest to be assessed against any remaining unpaid balance of such amount, in accordance with 28 U.S.C. § 1961, from the date of judgment until paid in full.

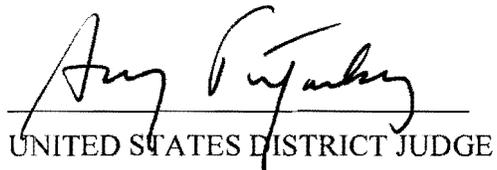
E. Defendants shall make restitution to The Hartford Construction Group LLC Group Health Plan (“Hartford GHP”) in the amount of \$4,905.33, with post judgment interest to be assessed against any remaining unpaid balance of such amount, in accordance with 28 U.S.C. § 1961, from the date of judgment until paid in full.

F. Defendants are removed from any position the Defendants hold as a named or functional fiduciary to the Hartford Plan and Hartford GHP (collectively the “Plans”)

G. The appointment of an independent fiduciary to the Plans, for the purposes of receiving funds from the Defendants and distributing the Plans’ assets is authorized. Defendants shall pay all fees and costs of the independent fiduciary. The Secretary of Labor shall promptly submit a proposed Order to the Court which names the independent fiduciary and sets forth the independent fiduciary’s duties.

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 26th day of June 2013.


UNITED STATES DISTRICT JUDGE