

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

	)	
THOMAS E. PEREZ, SECRETARY OF LABOR,	)	
UNITED STATES DEPARTMENT OF LABOR,	)	
	)	
Plaintiff,	)	
	)	Civil Action No. WMN-13-3253
v.	)	
	)	
WILLIAM KRISTEN HATHAWAY AND	)	
BALTIMORE BEHAVIORAL HEALTH	)	
403(b) PLAN,	)	
	)	
Defendants.	)	

**DEFAULT JUDGMENT**

Plaintiff has filed his Complaint herein, and Defendant William Kristen Hathaway (“Hathaway”) failed to answer or otherwise defend against the Complaint. Plaintiff has moved the Court to enter a Default Judgment in favor of the Plaintiff and against Defendant Hathaway for failure to answer or otherwise defend against Plaintiff’s Complaint.

Accordingly, it is hereby ORDERED, ADJUDGED AND DECREED by the Court that:

A. Defendant William Kristen Hathaway shall restore the losses of \$46,030.07 in missing employee contributions, and \$14,720.10 in interest, to the Baltimore Behavioral Health, 403(b) Plan (“the Plan”), for a total amount of \$60,750.17.

B. The Plan shall set off the participant account of Defendant Hathaway held in the Plan against the amount of losses, plus interest, resulting from his fiduciary breaches, as authorized by ERISA § 206(d)(4), 29 U.S.C. § 1056(d)(4), if the losses are not otherwise restored to the Plan.

C. In connection with the setoff referred to in paragraph B hereof, any spouse of

Defendant Hathaway retains the right, if she has any, to receive the survivor annuity under a qualified joint and survivor annuity provided pursuant to 29 U.S.C. § 1055(a)(1) or under a qualified preretirement survivor annuity provided pursuant to 29 U.S.C. § 1055(a)(2), determined in accordance with 29 U.S.C. § 1056(d)(5).

D. The Plan shall redistribute all amounts restored to the Plan and any amount set off from Defendant Hathaway's Plan account to the remaining participants in amounts necessary to restore their losses incurred as a result of Hathaway's fiduciary breaches, in accordance with the chart in paragraph I below.

E. No part of any amounts paid by Hathaway as restitution not any part of Hathaway's forfeited individual account balance shall be redistributed to Hathaway's individual Plan account.

F. Hathaway shall remit to the Plan all amounts due hereunder within 30 days of entry of this Default Judgment.

G. Hathaway shall fully cooperate with and provide any information or documentation requested by the Plan Administrator or the Plan Administrator's designee necessary to carry out the terms of this Default Judgment.

H. Defendant Hathaway is removed as fiduciary of the Plan and is permanently enjoined from serving as trustee, fiduciary, advisor, or administrator to any employee benefit plan, as that term is defined at § 3(3) of ERISA, 29 U.S.C. § 1002(3), or from serving in any capacity that involves decision-making authority or custody or control of the moneys, funds, assets, or property of any employee benefit plan.

I. Monies restored to the Plan shall be allocated to participants in accordance with the following chart:

Participant Name:	Missing Employee Contribution:	Prejudgment Interest through Feb. 1, 2014:	Total Amount Due to Participant:
Acra, Joseph I	\$3,300.00	\$1,055.32	\$4,355.32
Austin, Jamal	\$750.00	\$239.84	\$989.84
Bailey, Christopher R	\$400.00	\$127.92	\$527.92
Baldwin, Lindsey	\$600.00	\$191.88	\$791.88
Barker, Robert L	\$300.00	\$95.94	\$395.94
Black, Sherri	\$375.00	\$119.92	\$494.92
Boone, Christina J	\$300.00	\$95.94	\$395.94
Booze, Gordon E	\$750.00	\$239.84	\$989.84
Bounds, Monica A	\$375.00	\$119.92	\$494.92
Braswell, Joann	\$150.00	\$47.97	\$197.97
Broadnax, Juanita	\$300.00	\$95.94	\$395.94
Brown, Terry T	\$2,800.20	\$895.48	\$3,695.68
Bryant, Tuesday P	\$300.00	\$95.94	\$395.94
Carroll, Teoine D	\$450.00	\$143.91	\$593.91
Century, Yolanda S	\$750.00	\$239.84	\$989.84
Collins, Tara E	\$140.00	\$44.77	\$184.77
Colvin, Demeka	\$450.00	\$143.91	\$593.91
Davis, Carl L	\$750.00	\$239.84	\$989.84
Felton, Julia	\$300.00	\$95.94	\$395.94
Fisher, Atiya	\$375.00	\$119.92	\$494.92
Fox, Christine A	\$300.00	\$95.94	\$395.94
Green, Angela S	\$450.00	\$143.91	\$593.91
Ham, Cleveland	\$141.12	\$45.13	\$186.25
Harper, Dondra C	\$375.00	\$119.92	\$494.92
Harris, Zina L	\$450.00	\$143.91	\$593.91
Hewan, Stacy A	\$600.00	\$191.88	\$791.88
Howell, Shawn D	\$300.00	\$95.94	\$395.94
Jackson, Beverly L	\$80.00	\$25.58	\$105.58
Johnson, Shawn V	\$300.00	\$95.94	\$395.94
Johnson, Stephanie T	\$80.00	\$25.58	\$105.58
Johnson, Tamika L	\$450.00	\$143.91	\$593.91
Kahntroff, Bridget C	\$550.00	\$175.89	\$725.89
Lane, Earl J	\$750.00	\$239.84	\$989.84
Laun, Emily	\$1,380.00	\$441.31	\$1,821.31
Lichtenstein, Amy R	\$750.00	\$239.84	\$989.84
Lues, Lorena	\$750.00	\$239.84	\$989.84
McLaughlin, Rosalind T	\$300.00	\$95.94	\$395.94

Mink, Gail L (formerly Gail L Wight)	\$1,500.00	\$479.69	\$1,979.69
Murray, Kathryn M	\$3,525.00	\$1,127.27	\$4,652.27
Murray, Russell P	\$2,250.00	\$719.53	\$2,969.53
Price, Jesse W	\$300.00	\$95.94	\$395.94
Prioleau, Henry J	\$750.00	\$239.84	\$989.84
Rainey, Brenda D	\$300.00	\$95.94	\$395.94
Razmus, Carlada A	\$1,713.75	\$548.05	\$2,261.80
Reed, Courtney L	\$300.00	\$95.94	\$395.94
Richison, Donna L	\$80.00	\$25.58	\$105.58
Russell, Michelle D	\$375.00	\$119.92	\$494.92
Scism, Mary Helen	\$300.00	\$95.94	\$395.94
Scotto, Nicholas G	\$1,500.00	\$479.69	\$1,979.69
Scotto, Susan H	\$1,500.00	\$479.69	\$1,979.69
Scroggins, Desiree	\$375.00	\$119.92	\$494.92
Simpson, Marie	\$315.00	\$100.73	\$415.73
Sims, Shelley Y	\$750.00	\$239.84	\$989.84
Smith, Joy	\$300.00	\$95.94	\$395.94
Smith, Willie L	\$600.00	\$191.88	\$791.88
Snipe, Marie Zelpia	\$150.00	\$47.97	\$197.97
Tchuisse, Alexis J	\$600.00	\$191.88	\$791.88
Wheeler, Megan	\$450.00	\$143.91	\$593.91
Whiton-Butler, Angela E	\$750.00	\$239.84	\$989.84
Williams, Antoinette	\$1,200.00	\$383.75	\$1,583.75
Williams, Linda V	\$300.00	\$95.94	\$395.94
Woodson, Joseph	\$300.00	\$95.94	\$395.94
Young, Jan L	\$375.00	\$119.92	\$494.92
Ziemski, Robert E	\$3,250.00	\$1,039.33	\$4,289.33
<b>Total:</b>	<b>\$46,030.07</b>	<b>\$14,720.10</b>	<b>\$60,750.17</b>

J. All Plan and Plan Administrator costs associated with implementation of the Default Judgment shall be borne by Defendant Hathaway and reimbursed to the Plan.

K. This Court retains jurisdiction of this action for purposes of enforcing compliance with the terms of this Default Judgment.

L. The Court directs the entry of this Default Judgment as a final order as to

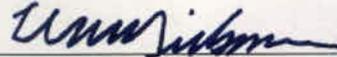
Defendant Hathaway.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that costs will be allowed  
the Plaintiff against Defendant Hathaway.

Dated: \_\_\_\_\_

4/1/14

APPROVED:



\_\_\_\_\_  
United States District Judge