



The Defendants have waived service of process of the complaint and have admitted to the jurisdiction of this Court over them and the subject matter of this action.

The Secretary and Defendants have agreed to resolve all matters in controversy in this action between them (except for the imposition by Plaintiff of any penalty pursuant to ERISA §502(l), 29 U.S.C. §1132(l), and any separate proceedings related thereto) and said parties do now consent to entry of a Consent Order and Judgment by this Court.

The Secretary and Defendants further agree that, if the Secretary assesses a penalty pursuant to ERISA §502(l), 29 U.S.C. § 1132(l) in connection with the violations alleged in this matter, the “applicable recovery amount” shall include all amounts paid in accordance with this Consent Order and Judgment.

Now, therefore, upon consideration of the record herein, and as agreed to by the parties hereto, the Court finds that it has jurisdiction to enter this Consent Order and Judgment, and being fully advised in the premises, it is

**ORDERED, ADJUDGED AND DECREED** that:

A. Defendants Richard J. Jurczykowski, Richard A. Lindahl, and Guardian Graphics Ltd., (collectively “Defendants”) are permanently enjoined from violating the provisions of Title I of ERISA.

B. Defendants are permanently enjoined from serving as fiduciaries or service-providers to any ERISA-covered employee benefit plan, except for the purposes of restoring the monies owed to the Plan and terminating the Plan, as described herein.

C. Defendants are jointly and severally liable to the Plan in the amount of \$50,656.12, which includes \$43,528.57 in unremitted employee contributions and \$7,127.55 in lost opportunity costs.

D. The Plan is amended to permit the set off of \$50,656.12 of defendant Jurczykowski's Plan account for losses incurred by the Plan resulting from fiduciary breaches, as authorized by Section 1502(a) of the Taxpayer Relief Act of 1997, Pub. L. No. 105-34, Section 1502(a), 111 Stat. 788, 1058-59 (1997) (codified at 29 U.S.C. Section 1056(d)(4)).

E. Within seven (7) days of the entry of this Judgment, Defendant Jurczykowski, pursuant to §1502(a) of the Taxpayer Relief Act of 1997, codified at 29 U.S.C. §1056(d)(4), shall cause \$50,656.12 from his current Plan account balance to be reallocated to the investment accounts of Plan participants. These monies shall be allocated to the individual plan accounts of the Plan participants, with the exclusion of Jurczykowski and Lindahl, who: (1) were employees of Guardian Graphics, (2) were Plan participants during the period of January 23, 2008 through May 10, 2013; (3) had voluntary employee contributions withheld from their pay for contribution to the Plan during this period and such contributions remain unremitted. The Plan shall allocate the aforementioned money to the Plan's participants in an amount equal to the unremitted, withheld amounts from each participant's pay for contributions to the Plan and the loss opportunity costs shall be allocated on a pro rata basis according to the percentage shares each participant was owed. Defendant Jurczykowski will provide proof of such reallocation to the Chicago Regional Director, Employee Benefits Security Administration, 230 S. Dearborn St., Suite 2160, Chicago, Illinois 60604 ("Chicago Regional Director") within seven (7) days after the reallocation.

F. In addition to the losses owed to the Plan, as set forth in paragraph C, Jurczykowski is owed \$6,160.00, as a result of the fiduciaries' failure to ensure the remittance of his employee contributions to the Plan. Jurczykowski waives any claim he has to this amount and any associated lost opportunity costs as part of the resolution of this matter.

G. Defendant Jurczykowski shall start the termination process to terminate the Plan, in accordance with ERISA, within ten (10) days of the entry of this Consent Order and Judgment. Defendant Jurczykowski's responsibilities shall include, but not be limited to, causing the distribution of the Plan's assets to the plan participants and causing the filing of all appropriate documents with the various government agencies. Within four months of the entry of this Consent Order and Judgment, Defendant Jurczykowski shall provide satisfactory proof of the distribution of all funds from the Plan to the Chicago Regional Director. Within ten months of the entry of this Consent Order and Judgment, Jurczykowski shall provide satisfactory proof of the termination of the Plan to the Chicago Regional Director.

H. In addition to the losses owed to the Plan, as set forth in paragraph C, Lindahl is owed \$6,189.20, as a result of the fiduciaries' failure to ensure the remittance of his employee contributions to the Plan. Lindahl waives any claim he has to this amount and any associated lost opportunity costs as part of the resolution of this matter.

I. The Defendants agree to fully cooperate with any requests from any service provider or asset custodian that relate to the administration and termination of the Plan.

J. Nothing in this Consent Order and Judgment is binding on any governmental agency except for the United States Department of Labor, Employee Benefits Security Administration.

K. Each party agrees to bear his/its own attorney's 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.



The undersigned apply for and consent to the entry of this Consent Order and Judgment this 13th of March, 2014:

For the Defendants:

s/Richard J. Jurczykowski  
Richard J. Jurczykowski

s/Richard A. Lindahl  
Richard A. Lindahl

s/Richard A. Lindahl  
Guardian Graphics, Ltd.  
By: Richard A. Lindahl

Its: President

s/Richard J. Jurczykowski  
Guardian Graphics, Ltd. 401(k) Profit Sharing Plan  
By: Richard J. Jurczykowski

Its: Secretary Treasurer

s/Robert Riffner  
Robert Riffner  
Attorney for Richard J. Jurczykowski, Richard A. Lindahl  
Guardian Graphics, Ltd, and Guardian Graphics, Ltd. 401(k) Profit Sharing Plan

For the Secretary of Labor:

M. PATRICIA SMITH  
Solicitor of Labor

CHRISTINE Z. HERI  
Regional Solicitor

s/Bruce C. Canetti  
Bruce C. Canetti  
Attorneys for Thomas E. Perez  
Secretary of Labor, Plaintiff