

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF MASSACHUSETTS

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THOMAS E. PEREZ, Secretary of Labor, \*  
United States Department of Labor, \*

Plaintiff, \*

v. \* CIVIL ACTION FILE NO.  
\* 1:14-cv-13797

H.C. WATSON CORP., \*  
D/B/A INTERIM HEALTHCARE, \*  
JAMES C. WATSON, \*  
As an Individual and Fiduciary to the \*  
H.C. Watson Corp. Deferred Savings and \*  
Profit Sharing Plan, \*

And \*

MELISSA MOORE f/k/a Melissa Belanger \*  
And Melissa Greenlaw, \*  
As an Individual and Fiduciary to the \*  
H.C. Watson Corp. Deferred Savings and \*  
Profit Sharing Plan, \*

Defendant. \*

\*\*\*\*\*

**CONSENT JUDGMENT AND ORDER**

This case concerns an action filed in this Court by Plaintiff, Thomas E. Perez, the Secretary of Labor, United States Department of Labor, pursuant to Title I of the Employee Retirement Income Security Act of 1974 (“ERISA” or the “Act”), 29 U.S.C. §§ 1001 *et seq.*, as amended.

Defendants James C. Watson and H.C. Watson Corp. d/b/a Interim Healthcare (the “HCW Defendants”), and the Secretary (collectively, the “Parties”) have agreed to resolve all matters in controversy between them in this action (not including the imposition by the Secretary of any penalty pursuant to ERISA § 502(l), 29 U.S.C. § 1132(l), and any proceedings related thereto), and said Parties do now consent to the entry of a Consent Judgment and Order (“Consent Judgment”) by this Court in accordance therewith.

The HCW Defendants have represented that their counsel of record in this action has assisted, and will continue to assist, them in satisfying certain obligations under this Consent Judgment, including their obligations under Paragraphs 2 and 3 below.

By consenting to this Consent Judgment, the HCW Defendants have admitted to the jurisdiction of this Court over them and over the subject matter of this action. The HCW Defendants admit that this Court has the authority to enter and enforce this Consent Judgment and that this Court is the most appropriate venue for any enforcement action which may be required as a result of this Consent Judgment.

Now therefore, by consent of the Parties hereto,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

1. The HCW Defendants are permanently enjoined from violating ERISA.
2. The HCW Defendants shall pay to the H.C. Watson Corp. Deferred Savings and Profit Sharing Plan (“the Plan”) the amount of \$144,336.72, representing unremitted Plan contributions and loan repayments, in accordance with the terms of the Plan (the

“Monetary Recovery”). The HCW Defendants will allocate the Monetary Recovery among Plan participants whose Plan contributions and loan repayments were withheld but never transmitted to the Plan according to the amount each participant is due based on the documentation reasonably available, provided, however, that none of the Monetary Recovery will be allocated to Defendant James Watson or Defendant Melissa Moore f/k/a Melissa Belanger and Melissa Greenlaw’s (“Defendant Moore”) Plan accounts or otherwise for the benefit of these Defendants. Payment of the Monetary Recovery and instructions regarding allocation among the Plan participants shall be submitted to the Plan within fifteen (15) days of the Court entering this Consent Judgment.

3. Within sixty (60) days of the Court entering this Consent Judgment, the HCW Defendants shall terminate the Plan or hire an independent fiduciary to manage the Plan, in accordance with ERISA.

4. The HCW Defendants shall submit the following to the Secretary, setting forth evidence of compliance with Paragraphs 2 and 3 of this Consent Judgment:

(a) Within twenty (20) days of paying the Monetary Recovery to the Plan under Paragraph 2, the HCW Defendants shall submit to the Secretary proof of payment to the Plan and a full accounting of the proceeds allocated to Plan participants’ accounts or otherwise allocated.

(b) Within twenty (20) days of satisfying their obligations under Paragraph 3 of this Consent Judgment, the HCW Defendants shall submit to the Secretary documentation demonstrating compliance with Paragraph 3, including, as applicable: the identity and qualifications of any retained independent fiduciary; any agreements or contracts concerning the Plan involving such

independent fiduciary; proof of termination of the Plan; and a full accounting of the distribution of Plan participants' accounts or other distributions from the Plan.

(c) The Secretary may, in his discretion, request additional documentation concerning the HCW Defendants' compliance with this Consent Judgment, which documentation shall not be unreasonably withheld by the HCW Defendants.

(d) Documents and other material required to be submitted to the Secretary under this Consent Judgment shall be sent to the following address:

Regional Director  
Employee Benefits Security Administration  
U.S. Department of Labor, J.F.K. Federal Building,  
Room 575  
Boston, MA 02203

5. Defendant James Watson is permanently enjoined from serving as a fiduciary for any employee benefit plan subject to ERISA, except with respect to his obligations set forth under Paragraphs 2 and 3 of this Consent Judgment.

6. The HCW Defendants agree that they have and will continue to obtain assistance from their counsel of record in this action and, where applicable, the Plan custodian, Fidelity Investments, in satisfying their obligations under Paragraphs 2, 3 and 4 of this Consent Judgment.

7. The Secretary and the HCW Defendants shall each bear their own costs, fees and expenses with respect to this action, including, without limitation, attorney's fees that may be available under the Equal Access to Justice Act, as amended.

8. The Court shall retain jurisdiction of this matter for purposes of enforcing this Consent Judgment.

9. Nothing in this Consent Judgment is binding on any governmental agency other than the United States Department of Labor.

10. Defendant Moore is not a party to this Consent Judgment and this Consent Judgment does not resolve the instant action with respect to Defendant Moore.

IT IS SO ORDERED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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United States District Judge

Consented to by:

For Plaintiff, Thomas E. Perez, Secretary of Labor:

M. Patricia Smith  
Solicitor of Labor

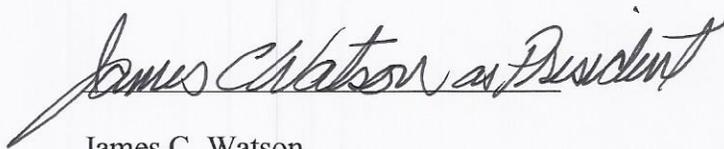
Michael D. Felsen  
Regional Solicitor

/s/Nathan P. Goldstein  
Nathan P. Goldstein  
Trial Attorney  
BBO # 666101

March 1, 2016  
Dated

U.S. Department of Labor  
Office of the Solicitor  
J.F.K. Federal Building  
Room E-375  
Boston, MA 02203  
(617) 565-2500  
FAX (617) 565-2142

For Defendant H.C. Watson Corp. d/b/a Interim Healthcare

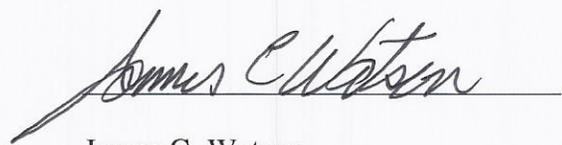
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James C. Watson

A handwritten date "2/29/16" written in cursive script over a horizontal line.

Dated

For Defendant James C. Watson

A handwritten signature in cursive script that reads "James C. Watson". The signature is written over a horizontal line.

James C. Watson

A handwritten date "2/29/16" written in cursive script over a horizontal line.

Dated