

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

HILDA L. SOLIS, Secretary of Labor,	:	
United States Department of Labor,	:	
	:	
Plaintiff	:	CIVIL ACTION
	:	
v.	:	
	:	
MARK S. WEINBERGER and SUBSPECIALTY	:	
CENTERS OF AMERICA, LLC, individually and as	:	
Fiduciaries to SUBSPECIALTY CENTERS OF	:	
AMERICA, LLC 401(K) PLAN AND TRUST	:	Cause No. 2:11-CV-120RM
and SUBSPECIALTY CENTERS OF AMERICA, LLC	:	
401(K) PLAN AND TRUST,	:	
	:	
Defendants	:	

**JUDGMENT AS TO DEFENDANTS MARK S. WEINBERGER AND
SUBSPECIALTY CENTERS OF AMERICA, LLC**

Plaintiff Hilda L. Solis, Secretary of Labor, United States Department of Labor (“Secretary”), having filed her complaint; defendants Subspecialty Centers of America, LLC (“Subspecialty”) and Mark S. Weinberger having been duly served with a copy of the complaint and summons; defendants Subspecialty and Weinberger having failed to plead or otherwise defend within the time prescribed by law; default of defendants Subspecialty and Weinberger having been entered by the Clerk of Court on July 27, 2011; and the truth of the allegations contained in the Secretary’s complaint having been admitted by the entry of default; now, therefore upon application of the Secretary and for cause shown,

JUDGMENT IS HEREBY ENTERED against defendants Subspecialty and Weinberger in accordance with the prayer of the complaint in the above-styled action, and it is:

ORDERED, ADJUDGED, AND DECREED that:

A. Subspecialty and Weinberger are removed as fiduciaries of the Subspecialty Centers of America, LLC 401(k) Plan (the “Plan”).

B. Subspecialty and Weinberger are permanently enjoined from violating the provisions of Title I of ERISA.

C. Subspecialty and Weinberger are permanently enjoined from serving as fiduciaries or service providers to any ERISA-covered plan.

D. AMI Benefit Plan Administrators, Inc. is appointed and charged with the proper administration and termination of the Plan and having the following powers, duties, and responsibilities:

a. The Independent Fiduciary shall have the responsibility and authority to collect, liquidate, and manage such assets of the Plan for the benefit of the eligible participants and beneficiaries for the Plan who are entitled to receive such assets, until such time that the assets of the Plan are distributed to the eligible participants and beneficiaries of the Plan;

b. The Independent Fiduciary shall exercise reasonable care and diligence to identify and locate each participant and beneficiary of the Plan who is eligible to receive a payment under the terms of this consent order and to disburse to each such eligible participant or beneficiary the payment to which he or she is entitled;

c. The Independent Fiduciary shall have full access to all data, information, and calculations in the Plan’s possession or under its control, including that information contained in the records of the Plan’s custodial trustees and other service providers, bearing on the distribution of benefit payments, participant account balances, and current

plan assets;

d. The Independent Fiduciary may retain such persons and firms, including but not limited to accountants and attorneys, as may be reasonably required to perform his duties hereunder;

e. For the services performed pursuant to this judgment, the Plan shall pay the Independent Fiduciary not more than \$300 for fees and expenses; and

f. The Trustee shall obtain bonding in an amount that meets the requirements of ERISA § 412, 29 U.S.C. § 1112. The costs incurred by the independent fiduciary in obtaining such bonding shall be paid by the Plan.

E. The Secretary is awarded the costs of this action; and

F. The Court retains jurisdiction for purposes of enforcing compliance with the terms of this Default Judgment.

SO ORDERED.

ENTERED: August 18, 2011

/s/ Robert L. Miller, Jr.
Judge, United States District Court