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United States Department of Labor, Plaintiff

10 UNITED STATES DISTRICT COURT FOR  
11 THE DISTRICT OF ARIZONA

12 HILDA SOLIS, Secretary ) Case No.  
13 of Labor, UNITED STATES )  
DEPARTMENT OF LABOR, )  
14 Plaintiff, ) **COMPLAINT FOR VIOLATIONS OF**  
15 ) **ERISA**  
16 v. )  
17 JERRY CRAIG, SR., an )  
individual; PATTIE CRAIG, )  
18 an individual; SPECTRUM )  
FINANCIAL GROUP, INC., a )  
corporation; and the )  
19 SPECTRUM FINANCIAL GROUP, )  
INC. 401(k) PROFIT SHARING )  
20 PLAN, an employee pension )  
benefit plan. )  
21 Defendants. )

22  
23  
24 Plaintiff Hilda L. Solis, Secretary of Labor, United  
25 States Department of Labor (the "Secretary"), alleges:

26 1. This action arises under Title I of the Employee  
27 Retirement Income Security Act of 1974 ("ERISA"),  
28 as amended, 29 U.S.C. §§ 1001-1191c, and is brought

1 by the Secretary under ERISA §§ 502(a)(2) and (5),  
2 29 U.S.C. §§ 1132(a)(2) and (5), to enjoin acts and  
3 practices which violate the provisions of Title I  
4 of ERISA, to obtain appropriate equitable relief  
5 for breaches of fiduciary duty under ERISA § 409,  
6 29 U.S.C. § 1109, and to obtain such further  
7 equitable relief as may be appropriate to redress  
8 and to enforce the provisions of Title I of ERISA.

9 2. This court has jurisdiction over this action  
10 pursuant to ERISA § 502(e)(1), 29 U.S.C.  
11 § 1132(e)(1).

12 3. Venue of this action lies in the District of  
13 Arizona, pursuant to ERISA § 502(e)(2), 29 U.S.C. §  
14 1132(e)(2), because the Spectrum Financial Group,  
15 Inc., 401(k) Profit Sharing Plan ("Plan") was  
16 administered in Scottsdale, Arizona, within this  
17 district, and Defendants Jerry Craig, Sr., and  
18 Pattie Craig may be found within this district.

19 **DEFENDANTS**

20 4. The Plan is an employee benefit plan within the  
21 meaning of ERISA § 3(3), 29 U.S.C. § 1002(3), which  
22 is subject to the provisions of Title I of ERISA  
23 pursuant to ERISA § 4(a), 29 U.S.C. § 1003(a).

24 5. At all relevant times, Spectrum Financial Group,  
25 Inc., a corporation ("Spectrum Financial" or  
26 "Company"), was and is the sponsor and the Plan  
27 Administrator, a fiduciary of the Plan within the  
28 meaning of ERISA § 3(21)(A)(i) and (iii), 29 U.S.C.

1 § 1002(21)(A)(i) and (iii), and a party in interest  
2 to the Plan within the meaning of ERISA § 3(14)(A)  
3 and (C), 29 U.S.C. § 1002(14)(A) and (C).

4 6. At all relevant times, Defendant Pattie Craig,  
5 ("Ms. Craig"), Secretary and Vice President of the  
6 Company, was and is the Trustee of the Plan and a  
7 fiduciary of the Plan within the meaning of ERISA §  
8 3(21)(A)(i) and (iii), 29 U.S.C. § 1002(21)(A)(i)  
9 and (iii), and a party in interest to the Plan  
10 within the meaning of ERISA § 3(14)(A) and (H), 29  
11 U.S.C. § 1002(14)(A) and (H).

12 7. At all relevant times, Defendant Jerry Craig Sr.,  
13 ("Mr. Craig"), husband of Ms. Craig and President  
14 and CEO of the Company, was and is a fiduciary of  
15 the Plan within the meaning of ERISA § 3(21)(A)(i)  
16 and (iii), 29 U.S.C. § 1002(21)(A)(i) and (iii),  
17 and a party in interest to the Plan within the  
18 meaning of ERISA § 3(14)(A) and (H), 29 U.S.C. §  
19 1002(14)(A) and (H).

20 8. The Plan is named as a Defendant herein pursuant to  
21 Rule 19(a) of the Federal Rules of Civil Procedure,  
22 solely to assure that complete relief can be  
23 granted.

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**FAILURE TO REMIT EMPLOYEE CONTRIBUTIONS**  
**TO THE PLAN IN A TIMELY MANNER**

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3  
4 9. Paragraphs 1 through 8 above are realleged and  
5 incorporated herein by reference.

6 10. At all relevant times, Defendants Mr. and Ms. Craig  
7 were signatories on the Company corporate bank  
8 accounts.

9 11. The Plan was established effective January 1, 2005,  
10 by the Company, the Plan sponsor. The Plan was to  
11 provide benefits to the Company's employees upon  
12 retirement, death, or disability.

13 12. The Plan's governing documents, which were adopted  
14 by the Company and signed by Ms. Craig, identify  
15 the Company as the Plan Sponsor and the Plan  
16 Administrator.

17 13. The Plan's governing documents provide in pertinent  
18 part that participants could make salary reduction  
19 contributions to the Plan and that such deferred  
20 amounts would be contributed to the Plan and  
21 allocated to the individual participants' accounts.

22 14. At all relevant times, Defendants Mr. Craig, Ms.  
23 Craig, and the Company, exercised discretionary  
24 control and authority over employees' contributions  
25 and/or the disposition of Plan assets.

26 15. In addition, at all relevant times, Defendants Ms.  
27 Craig and the Company exercised authority over the  
28

1 Company's payroll process and management of the  
2 Plan.

3 16. ERISA and its implementing regulations at 29 C.F.R.  
4 § 2510.3-102(b) requires that employee  
5 contributions be remitted to the Plan no later than  
6 fifteen days after the month following the month in  
7 which the participant contribution would otherwise  
8 have been payable to the participant in cash.  
9 Based on the Secretary's investigation, the  
10 employee contributions withheld from employees' pay  
11 could have reasonably been segregated from the  
12 Company's assets within seven business days.

13 17. During the period from January, 1, 2005 through at  
14 least August 14, 2007, Defendant Ms. Craig caused  
15 the Company to withhold at least \$20,602.85 from  
16 employees' pay for salary reduction contributions  
17 to the Plan, but failed to timely remit such  
18 amounts so withheld into the Plan's account in  
19 accordance with 29 C.F.R. § 2510.3-102(a).

20  
21 **FAILURE TO REMIT EMPLOYEE**

22 **CONTRIBUTIONS TO THE PLAN**

23 18. Paragraphs 1 through 17 above are realleged and  
24 incorporated herein by reference.

25 19. During the period from January, 1, 2005 through at  
26 least August 14, 2007, Defendant Ms. Craig caused  
27 the Company to withhold at least \$20,602.85 from  
28 employees' pay for salary reduction contributions

1 to the Plan, but failed to remit the amounts so  
2 withheld into the Plan's account. Instead, Ms.  
3 Craig and Mr. Craig retained and commingled the  
4 withheld contributions with the Company's accounts  
5 and used the amounts withheld for non-Plan  
6 purposes.

7  
8 **VIOLATIONS OF ERISA**

9 20. Because of the facts and circumstances set forth in  
10 Paragraphs 9-19 above, Defendants Ms. Craig and Mr.  
11 Craig, acting in their fiduciary capacities:

- 12 a. failed to segregate Plan assets and permitted  
13 the assets of the Plan to inure to the benefit  
14 of the Defendant Company, Mr. Craig, and Ms.  
15 Craig, in violation of ERISA § 403(c)(1), 29  
16 U.S.C. § 1103(c)(1);
- 17 b. failed to act solely in the interest of the  
18 participants and beneficiaries of the Plan and  
19 for the exclusive purpose of providing benefits  
20 to participants and their beneficiaries and  
21 defraying reasonable expenses of Plan  
22 administration, in violation of ERISA  
23 § 404(a)(1)(A), 29 U.S.C. § 1104(a)(1)(A);
- 24 c. failed to act with care, skill, prudence, and  
25 diligence under the circumstances then  
26 prevailing that a prudent person acting in a  
27 like capacity and familiar with such matters  
28 would use in the conduct of an enterprise of a

1           like character and with like aims, in violation  
2           of ERISA § 404(a)(1)(B), 29 U.S.C.

3           § 1104(a)(1)(B);

4           d. failed to act in accordance with the documents  
5           and instruments governing the Plan as required  
6           by ERISA § 404(a)(1)(D), 29 U.S.C.

7           § 1104(a)(1)(D);

8           e. dealt with assets of the Plan in their own  
9           interests and acted on behalf of a party whose  
10           interests are adverse to the interests of the  
11           Plan or the interests of its participants and  
12           beneficiaries, in violation of ERISA  
13           § 406(b)(1) and (2), 29 U.S.C. § 1106(b)(1) and  
14           (2).

15   21. In addition, because of the facts and circumstances  
16       set forth in Paragraphs 9-19 above, Defendant Ms.  
17       Craig, acting in her fiduciary capacity, caused the  
18       Plan to engage in transactions which she knew or  
19       should have known constituted a direct or indirect  
20       transfer to, or use by or for the benefit of, a  
21       party in interest, of assets of the Plan, in  
22       violation of ERISA § 406(a)(1)(D), 29 U.S.C. §  
23       1106(a)(1)(D).

24   22. As a direct and proximate result of the breaches of  
25       fiduciary duties committed by Defendants Mr. Craig  
26       and Ms. Craig, as described in paragraphs 9 through  
27       21 above, the Plan has suffered losses, including  
28       lost-opportunity income, for which Defendants Mr.

1 Craig and Ms. Craig are jointly and severally  
2 liable pursuant to ERISA § 409, 29 U.S.C. § 1109.  
3 23. Defendant Mr. Craig is liable as a co-fiduciary  
4 pursuant to ERISA § 405(a), 29 U.S.C. § 1105(a),  
5 for the violations alleged in paragraphs 9 through  
6 21 above because (1) he knowingly participated in,  
7 or knowingly undertook to conceal, acts or  
8 omissions, of Defendant Ms. Craig; (2) he enabled  
9 Defendant Ms. Craig to commit such breaches by his  
10 failure to comply with ERISA §§ 403(c)(1),  
11 404(a)(1)(A), (B) and (D), 406(b)(1) and (2), 29  
12 U.S.C. §§ 1103(a), 1103(c)(1), 1104(a)(1)(A) and  
13 (D), 1106(b)(1) and (2), in the administration of  
14 his specific responsibilities which gave rise to  
15 his status as a fiduciary; or (3) he had knowledge  
16 of Defendant Ms. Craig's breaches and failed to  
17 make reasonable efforts under the circumstances to  
18 remedy such breaches.

19 24. Defendant Ms. Craig is liable as a co-fiduciary  
20 pursuant to ERISA § 405(a), 29 U.S.C. § 1105(a),  
21 for the violations alleged in paragraphs 9-20 above  
22 because (1) she knowingly participated in, or  
23 knowingly undertook to conceal, acts or omissions,  
24 of Defendant Mr. Craig, knowing such acts or  
25 omissions were breaches; (2) she enabled Defendant  
26 Mr. Craig to commit such breaches by her failure to  
27 comply with ERISA §§ 403(a), 403(c)(1),  
28 404(a)(1)(A) and (D), 406(a)(1)(D), 406(b)(1) and

1 (2), 29 U.S.C. §§ 1103(a), 1103(c)(1),  
2 1104(a)(1)(A) and (D), 1106(a)(1)(D), 1106(b)(1)  
3 and (2), in the administration of her specific  
4 responsibilities which gave rise to her status as a  
5 Trustee and a fiduciary; and (3) she had knowledge  
6 of Defendant Mr. Craig's breaches and failed to  
7 make reasonable efforts under the circumstances to  
8 remedy such breaches.

9 25. Defendant Company is liable as a co-fiduciary  
10 pursuant to ERISA § 405(a), 29 U.S.C. § 1105(a),  
11 for the violations alleged in paragraphs 9-21 above  
12 because (1) it knowingly participated in, or  
13 knowingly undertook to conceal, acts or omissions,  
14 of Defendants Mr. and Ms. Craig, knowing such acts  
15 or omissions were breaches; and (2) it had  
16 knowledge of the breaches of Mr. and Ms. Craig and  
17 failed to make reasonable efforts under the  
18 circumstances to remedy such breaches.

19  
20 **PRAYER FOR RELIEF**

21 WHEREFORE, the Secretary prays for judgment:

- 22 A. Ordering Defendants Mr. and Ms. Craig to restore to  
23 the Plan any losses, including lost-opportunity  
24 costs, resulting from fiduciary breaches committed  
25 by them or for which they are liable;
- 26 B. Ordering Defendants Mr. and Ms. Craig to correct  
27 the prohibited transactions in which they engaged  
28 or which they caused the Plan to engage;

- 1 C. Permanently enjoining Defendants Mr. and Ms. Craig
- 2 from violating the provisions of Title I of ERISA;
- 3 D. Removing Defendants Mr. Craig, Ms. Craig, and the
- 4 Company as fiduciaries of the 401(k) Plan;
- 5 E. Permanently enjoining Defendants Mr. and Ms. Craig
- 6 from serving as fiduciaries of, or service
- 7 providers to, any ERISA-covered employee benefit
- 8 plan and removing them from any positions they now
- 9 hold as a fiduciaries of the Plan;
- 10 F. Appointing an independent fiduciary to take over
- 11 the operation of the Plan, to marshal the assets of
- 12 the Plan, to distribute any proceeds which accrue
- 13 to the Plan, to terminate the Plan, if necessary
- 14 and feasible to do so and conclude any Plan-related
- 15 matters connected with the proper termination of
- 16 the Plan;
- 17 G. Requiring Defendants Mr. and Ms. Craig to pay for
- 18 all costs associated with the appointment and
- 19 retention of the independent fiduciary;

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- 1 H. Requiring the Defendants Mr. and Ms. Craig to  
2 cooperate with the independent fiduciary;  
3 I. Awarding the Secretary the costs of this action;  
4 and  
5 J. Ordering such further relief as is appropriate and  
6 just.

7  
8 Dated: December 21, 2011

9 M. PATRICIA SMITH  
10 Solicitor of Labor

11 LAWRENCE BREWSTER  
12 Regional Solicitor

13 DANIELLE L. JABERG  
14 Counsel for ERISA

15 By: /s/ Katherine M. Kasameyer  
16 KATHERINE M. KASAMEYER  
17 Trial Attorney

18 Attorneys for Plaintiff  
19 United States Department of  
20 Labor

JS 44 (Rev. 12/07)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I. (a) PLAINTIFFS**

Hilda Solis, Secretary of Labor, United States Department of Labor

(b) County of Residence of First Listed Plaintiff \_\_\_\_\_  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

**DEFENDANTS** Jerry Craig, Sr., an individual; Pattie Craig, an individual; Spectrum Financial Group, Inc., a corporation; and the Spectrum Financial Group, Inc. 401(k) Profit Sharing Plan, an employee benefit plan  
County of Residence of First Listed Defendant Maricopa County  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff  
 2 U.S. Government Defendant  
 3 Federal Question (U.S. Government Not a Party)  
 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   |                            |                            |   |                            |                            |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
|   | <b>PTF</b>                 | <b>DEF</b>                 |   | <b>PTF</b>                 | <b>DEF</b>                 |
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

| CONTRACT   | TORTS  | FORFEITURE/PENALTY   | BANKRUPTCY  | OTHER STATUTES  |  |
|--|--|--|---|---|--|
| <input type="checkbox"/> 110 Insurance<br><input type="checkbox"/> 120 Marine<br><input type="checkbox"/> 130 Miller Act<br><input type="checkbox"/> 140 Negotiable Instrument<br><input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment<br><input type="checkbox"/> 151 Medicare Act<br><input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)<br><input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits<br><input type="checkbox"/> 160 Stockholders' Suits<br><input type="checkbox"/> 190 Other Contract<br><input type="checkbox"/> 195 Contract Product Liability<br><input type="checkbox"/> 196 Franchise | <b>PERSONAL INJURY</b><br><input type="checkbox"/> 310 Airplane<br><input type="checkbox"/> 315 Airplane Product Liability<br><input type="checkbox"/> 320 Assault, Libel & Slander<br><input type="checkbox"/> 330 Federal Employers' Liability<br><input type="checkbox"/> 340 Marine<br><input type="checkbox"/> 345 Marine Product Liability<br><input type="checkbox"/> 350 Motor Vehicle<br><input type="checkbox"/> 355 Motor Vehicle Product Liability<br><input type="checkbox"/> 360 Other Personal Injury | <b>PERSONAL INJURY</b><br><input type="checkbox"/> 362 Personal Injury - Med. Malpractice<br><input type="checkbox"/> 365 Personal Injury - Product Liability<br><input type="checkbox"/> 368 Asbestos Personal Injury Product Liability<br><b>PERSONAL PROPERTY</b><br><input type="checkbox"/> 370 Other Fraud<br><input type="checkbox"/> 371 Truth in Lending<br><input type="checkbox"/> 380 Other Personal Property Damage<br><input type="checkbox"/> 385 Property Damage Product Liability | <input type="checkbox"/> 610 Agriculture<br><input type="checkbox"/> 620 Other Food & Drug<br><input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881<br><input type="checkbox"/> 630 Liquor Laws<br><input type="checkbox"/> 640 R.R. & Truck<br><input type="checkbox"/> 650 Airline Regs.<br><input type="checkbox"/> 660 Occupational Safety/Health<br><input type="checkbox"/> 690 Other<br><b>LABOR</b><br><input type="checkbox"/> 710 Fair Labor Standards Act<br><input type="checkbox"/> 720 Labor/Mgmt. Relations<br><input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act<br><input type="checkbox"/> 740 Railway Labor Act<br><input type="checkbox"/> 790 Other Labor Litigation<br><input checked="" type="checkbox"/> 791 Empl. Ret. Inc. Security Act<br><b>IMMIGRATION</b><br><input type="checkbox"/> 462 Naturalization Application<br><input type="checkbox"/> 463 Habeas Corpus - Alien Detainee<br><input type="checkbox"/> 465 Other Immigration Actions | <input type="checkbox"/> 422 Appeal 28 USC 158<br><input type="checkbox"/> 423 Withdrawal 28 USC 157<br><b>PROPERTY RIGHTS</b><br><input type="checkbox"/> 820 Copyrights<br><input type="checkbox"/> 830 Patent<br><input type="checkbox"/> 840 Trademark<br><b>SOCIAL SECURITY</b><br><input type="checkbox"/> 861 HIA (1395ff)<br><input type="checkbox"/> 862 Black Lung (923)<br><input type="checkbox"/> 863 DIWC/DIWW (405(g))<br><input type="checkbox"/> 864 SSID Title XVI<br><input type="checkbox"/> 865 RSI (405(g))<br><b>FEDERAL TAX SUITS</b><br><input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)<br><input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 | <input type="checkbox"/> 400 State Reapportionment<br><input type="checkbox"/> 410 Antitrust<br><input type="checkbox"/> 430 Banks and Banking<br><input type="checkbox"/> 450 Commerce<br><input type="checkbox"/> 460 Deportation<br><input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations<br><input type="checkbox"/> 480 Consumer Credit<br><input type="checkbox"/> 490 Cable/Sat TV<br><input type="checkbox"/> 810 Selective Service<br><input type="checkbox"/> 850 Securities/Commodities/Exchange<br><input type="checkbox"/> 875 Customer Challenge 12 USC 3410<br><input type="checkbox"/> 890 Other Statutory Actions<br><input type="checkbox"/> 891 Agricultural Acts<br><input type="checkbox"/> 892 Economic Stabilization Act<br><input type="checkbox"/> 893 Environmental Matters<br><input type="checkbox"/> 894 Energy Allocation Act<br><input type="checkbox"/> 895 Freedom of Information Act<br><input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice<br><input type="checkbox"/> 950 Constitutionality of State Statutes |
| REAL PROPERTY  | CIVIL RIGHTS   | PRISONER PETITIONS   |   |   |  |
| <input type="checkbox"/> 210 Land Condemnation<br><input type="checkbox"/> 220 Foreclosure<br><input type="checkbox"/> 230 Rent Lease & Ejectment<br><input type="checkbox"/> 240 Torts to Land<br><input type="checkbox"/> 245 Tort Product Liability<br><input type="checkbox"/> 290 All Other Real Property   | <input type="checkbox"/> 441 Voting<br><input type="checkbox"/> 442 Employment<br><input type="checkbox"/> 443 Housing/Accommodations<br><input type="checkbox"/> 444 Welfare<br><input type="checkbox"/> 445 Amer. w/Disabilities - Employment<br><input type="checkbox"/> 446 Amer. w/Disabilities - Other<br><input type="checkbox"/> 440 Other Civil Rights  | <input type="checkbox"/> 510 Motions to Vacate Sentence<br><b>Habeas Corpus:</b><br><input type="checkbox"/> 530 General<br><input type="checkbox"/> 535 Death Penalty<br><input type="checkbox"/> 540 Mandamus & Other<br><input type="checkbox"/> 550 Civil Rights<br><input type="checkbox"/> 555 Prison Condition  |   |   |  |

**V. ORIGIN** (Place an "X" in One Box Only)

- 1 Original Proceeding  
 2 Removed from State Court  
 3 Remanded from Appellate Court  
 4 Reinstated or Reopened  
 5 Transferred from another district (specify)  
 6 Multidistrict Litigation  
 7 Appeal to District Judge from Magistrate Judgment

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
**ERISA 29 U.S.C. Sections 1001-1191c**  
 Brief description of cause:

**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23  
**DEMAND \$** \_\_\_\_\_  
 CHECK YES only if demanded in complaint:  
**JURY DEMAND:**  Yes  No

**VIII. RELATED CASE(S) IF ANY**

(See instructions): JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

DATE  
 12/20/11

SIGNATURE OF ATTORNEY OF RECORD  


FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_