

**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA**

SETH D. HARRIS, ACTING SECRETARY OF :
LABOR, UNITED STATES DEPARTMENT OF :
LABOR, :

Plaintiff, :

v. :

Civ. A. No. 12-7119

CHARLES H. ENGLAND, CHARLES H. :
ENGLAND, INC., and the CHARLES H. :
ENGLAND, INC. SIMPLE IRA PLAN, :

Defendants. :

DEFAULT JUDGMENT

Plaintiff has filed his Complaint herein, and defendants Charles H. England (“England”) and Charles H. England, Inc. (“the Company”) have failed to answer or otherwise defend against the Complaint. The plaintiff has moved the Court to enter a Default Judgment in favor of the plaintiff and against defendants England and the Company for failure to answer or otherwise defend against plaintiff’s Complaint.

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

- A. England and the Company shall restore \$13,744.65 to the Plan and upon receipt of those funds the Plan custodian shall credit \$13,423.06 of these moneys to participant Sean Starnes’ individual account, \$266.64 to England’s individual account, and \$78.25 to Judith England’s individual account;
- B. England, the Company, and the Plan shall cause the Plan to set off any individual account

balances of England against the amount of losses, including interest or lost opportunity costs, resulting from his fiduciary breaches, as authorized by 29 U.S.C. § 1056(d)(4), and reallocate the account balances to the non-breaching participants, if England and the Company fail to otherwise restore \$13,744.65 to the Plan;

- C. England and the Company are removed from their position as fiduciaries with respect to the Plan and of any other employee benefit plans for which they acts as fiduciaries;
- D. England and the Company are permanently enjoined from acting directly or indirectly, in any fiduciary capacity, with respect to any employee benefit plan subject to ERISA;
- E. England and the Company are permanently enjoined from exercising any custody, control, or decision making authority with respect to the assets of any employee benefit plan covered by ERISA;
- F. England and the Company, their agents, employees, service providers, banks, accountants, and attorneys shall comply with this Court's Order;
- G. England and the Company shall provide the Secretary with all of the books, documents, and records relating to the finances and administration of the Plan, and make an accounting to the Secretary of all contributions to the Plan and all transfers, payments, or expenses incurred or paid in connection with the Plan;
- H. This Court retains jurisdiction of this action for purposes of enforcing compliance with the terms of this Default Judgment; and
- I. The Court directs the entry of this Default Judgment as a final Order as to defendant England and the Company.

APPROVED: **AND SO ORDERED:**

Dated: 6/25/13

Jan E. Dubois
Hon. Jan E. Dubois
United States District Judge