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UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF NEW YORK

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THOMAS E. PEREZ, Secretary of Labor, :  
United States Department of Labor, :

Plaintiff, :

: Civil Action File No.

: 2:14-cv-03696-SJF-AKT

v. :

**JUDGMENT**

FIRST LAND TITLE AGENCY OF NEW YORK, :  
INC. PROFIT SHARING PLAN, :

**AND ORDER**

Defendant. :  
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**WHEREAS**, this action was filed by the Secretary of Labor (the "Secretary") pursuant to Title I of the Employee Retirement Income Security Act of 1971 ("ERISA" of the "Act"), 29 U.S.C. § 1001 et seq., and by the authority vested in the Secretary by ERISA § 502(a)(5), 29 U.S.C. § 1132(a)(5) alleging that the First Land Title Agency of New York, Inc. Profit Sharing Plan (the "Plan") was in violation of ERISA §§ 402 and 403, 29 U.S.C. § §1102 and 1103; and

I. The Plan was and is an employee benefit plan within the meaning of ERISA § 3(3), 29 U.S.C. § 1002(3), and was established to provide benefits to employees of the plan sponsor, First Land Title Agency of New York, Inc. who were covered by a plan subject to Title I of ERISA; and

II. This Court has subject matter jurisdiction over this action pursuant to ERISA § 502(e)(1), 29 U.S.C. § 1132(e)(1); venue of this action lies in the Eastern District of New York pursuant to ERISA § 502(e)(2), 29 U.S.C. § 1132(e)(2); this Court has personal jurisdiction over the Plan for all purposes relevant to this matter including the entry of this Order pursuant to ERISA § 502(d)(1), 29 U.S.C. § 1132(d)(1); and at times relevant to this action, the Plan was an



any current or historic procedures or policies of the Plan which conflict with his or her duties under ERISA.

5. The Independent Fiduciary is empowered to require all custodians or record keepers of the Plan to deliver or otherwise make available to the Independent Fiduciary any information, documents, files or other compilations, wherever and however stored; that are reasonably necessary to perform the duties of Independent Fiduciary under this Order.

6. The Independent Fiduciary is empowered to give instructions to asset custodians respecting the disposition of assets of the Plan held by them.

7. The Independent Fiduciary shall distribute or cause the distribution of the assets of the Plan in accordance with applicable Plan documents and Federal law.

8. Upon completing such distribution, the Independent Fiduciary shall consider whether termination of the Plan in accordance with applicable plan documents, ERISA, and other applicable Federal law is appropriate.

9. The Independent Fiduciary shall be subject to the orders of this Court. Within twenty days after the date of this Order, the Independent Fiduciary shall submit to this Court for approval his schedule of anticipated fees and expense for this matter with copies of his submissions to be sent to all parties to this matter.

10. In the performance of his or her duties, the Independent Fiduciary may retain such assistance as he may reasonably require, including attorneys, accountants, actuaries and other service providers.

11. The payment of administrative expenses and fees to the Independent Fiduciary, her assistants, attorneys, accountants, actuaries and other necessary service providers shall be considered priority administrative expenses of the Plan superior to any other class of expense or

