



4. The Philadelphia Committee to Prevent Blindness Annuities Plan (“the Plan”) is an employee benefit plan within the meaning of Section (3)(3) of ERISA, 29 U.S.C. § 1002(3), and is, therefore, subject to the coverage of the Act pursuant to Section 4(a) of ERISA, 20 U.S.C. § 1003(a).

5. Philadelphia Committee to Prevent Blindness (“the Committee”), a Pennsylvania corporation, was the administrator and sponsor of the Plan. The Committee had a place of business located in Philadelphia, PA.

6. For purposes of this Complaint, the relevant period is defined as 1982 to date.

#### **THE PARTIES**

7. The Secretary, pursuant to Sections 502(a)(2) and (5) of the Act, 29 U.S.C §§ 1132(a)(2) and (5), has the authority to enforce the provisions of Title I of ERISA by, among other means, the filing and prosecution of claims against fiduciaries and others who commit violations of ERISA.

8. The Committee is the administrator of the Plan and the Plan sponsor. During some or all of the relevant time period, the Committee has exercised discretionary authority and discretionary control respecting management of the Plan, has exercised authority and control respecting management and disposition of the Plan’s assets and had discretionary authority and discretionary responsibility in the administration of the Plan. The Committee is therefore a fiduciary to the Plan within the meaning of ERISA § 3(21), 29 U.S.C. § 1002(21), and a part in interest with respect to the Plan within the meaning of ERISA § 3(14)(A), 29 U.S.C. § 1002(14)(A).

**GENERAL ALLEGATIONS**

9. On or about January 26, 1978, the Committee established the Plan to provide benefits to its employees in the event of retirement, disability, or death and termination of employment.

10. As of 2014 the Plan had three (3) participants and \$42,448.24 in Plan assets.

11. The Committee ceased operations in or about 1982, when it filed paperwork with the state of Pennsylvania to dissolve.

12. Since at least 2012, upon the death of Martin Kaplan, the administrator appointed by the Committee, the Committee has not taken fiduciary responsibility for the operation and administration of the Plan and its assets, nor has the Committee appointed anyone to assume said responsibility. Mr. Kaplan is believed to have died on July 2, 2012.

13. Under the terms of the Plan, Plan participants are entitled to distribution of their non-forfeitable account balance upon termination of employment and retirement, death, or disability.

14. Plan participants were terminated from the Committee no later than 1982 when the Committee ceased operating, but those participants have not been able to obtain a distribution from the Plan because the Committee has not initiated termination of the plan and distribution of the plan assets.

**VIOLATIONS**

15. Pursuant to Rule 10(c) of the Federal Rules of Civil Procedure, the Secretary adopts by reference the averments and allegations of paragraphs 1-14, inclusive.

16. By the actions and conduct described above, the Committee, as fiduciary of the plan.

a. Failed to discharge its duties with respect to the plan solely in the interest of the participants and beneficiaries and for the exclusive purpose of providing benefits to participants and its beneficiaries and defraying reasonable expenses of administering the Plan, in violation of the Act, § 404(a), 20 U.S.C. § 1104(a)(1)(A); and

b. Failed to discharge its duties with respect to the Plan solely in the interest of the participants and beneficiaries and with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent man acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims, in violation of the Act, § 404(a)(1)(B), 29 U.S.C. 1104(a)(1)(B).

**PRAYER FOR RELIEF**

Wherefore, the Secretary prays that this Court enter an order:

- A. Removing Defendant Committee from its position as fiduciary with respect to the Plan and appointing an independent fiduciary to administer the Plan in order to effectuate its termination and the distribution of Plan assets to the Participants and beneficiaries; and
- B. Awarding such further relief as is appropriate and just.

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