

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA

HILDA L. SOLIS, Secretary of Labor,
United States Department of Labor,

Plaintiff,

v.

JOSEPH A. SEHER, PAT MOWERY,
CHERYL SLOAN,
ACCUCAST TECHNOLOGY LLC 401(K) PLAN, and
ACCUCAST TECHNOLOGY LLC HEALTH PLAN

Defendants.

CIVIL ACTION

Case No. 3:12-cv-415

CONSENT ORDER AND JUDGMENT AS TO DEFENDANTS
PAT MOWERY AND CHERYL SLOAN

Plaintiff Hilda L. Solis, Secretary of Labor ("Secretary"), United States Department of Labor, filed a complaint against Defendants Pat Mowery ("Mowery") and Cheryl Sloan ("Sloan"), among others, alleging that they breached their fiduciary responsibilities under Title I of the Employee Retirement Income Security Act of 1974 ("ERISA"), as amended, 29 U.S.C. §§ 1001, *et seq.* with respect to their administration of the Accucast Technology LLC 401(k) Plan ("401(k) Plan").

Defendants Mowery and Sloan waive service of process of the complaint, admit to the jurisdiction of this Court over them, and admit to the subject matter of this action.

The Secretary and Defendants Mowery and Sloan have agreed to resolve all matters in controversy in this action between them (except for the imposition by Plaintiff of any penalty pursuant to ERISA §502(l), 29 U.S.C. §1132(l), and any proceedings related thereto), and said parties do now consent to entry of a Consent Order and Judgment by this Court in accordance therewith.

Now, therefore, upon consideration of the record herein, and as agreed to by the parties hereto, the Court finds that it has jurisdiction to enter this Consent Order and Judgment, and being fully advised in the premises, it is

ORDERED, ADJUDGED AND DECREED that:

1. Upon entry of the Consent Order and Judgment, Mowery and Sloan immediately shall pay \$5,270.88 directly to the participants in the 401(k) Plan, which includes \$5,045.14 in unremitted employee contributions and \$225.74 in lost opportunity costs. With the exclusion of Mowery, Sloan, and Joseph A. Seher, these monies shall be paid to the 401(k) Plan participants who (1) were participants during the period of February 27, 2009 through December 18, 2009; (2) had voluntary employee contributions to the 401(k) Plan withheld from their pay during this period and such contributions remain unremitted; and (3) have not received a distribution of their full vested account balance as of the date of the entry of this Consent Order and Judgment. Mowery and Sloan, or their agent(s), shall allocate the aforementioned money to the 401(k) Plan's participants in an amount equal to the unremitted contributions and lost opportunity costs owed to each participant. Within ten (10) days after the aforesaid payments, the defendants shall provide proof of such payment and allocation to the Regional Director,

Chicago Regional Office, Employee Benefits Security Administration, 230 S. Dearborn St., Suite 2160, Chicago, Illinois 60604.

2. In addition to the losses owed to the 401(k) Plan, as set forth in paragraph one, Mowery is owed \$455.45, as a result of the fiduciaries' failure to ensure the remittance of employee contributions to the 401(k) Plan. Mowery waives any claim she has to this amount and any associated lost opportunity costs as part of the resolution of this matter.

3. In addition to the losses owed to the 401(k) Plan, as set forth in paragraph one, Sloan waives any claim she has to \$264.16, as a result of the fiduciaries' failure to ensure the remittance of employee contributions to the 401(k) Plan. Sloan waives any claim she has to this amount and any associated lost opportunity costs as part of the resolution of this matter.

4. Mowery and Sloan shall ensure that any individuals with remaining individual accounts with the 401(k) Plan shall have their account balances distributed to them within 45 days of this judgment either directly or in the form of a "roll-over" to another retirement account. Within ten (10) days after the aforesaid distributions, the defendants shall provide proof of such distribution to the Regional Director, Chicago Regional Office, Employee Benefits Security Administration, 230 S. Dearborn St., Suite 2160, Chicago, Illinois 60604.

5. Nothing in this Consent Judgment is binding on any governmental agency except for the United States Department of Labor, Employee Benefits Security Administration.

6. Each party agrees to bear his or her own attorney's fees, costs, and other expenses incurred by such party to date in connection with any stage of this proceeding including, but not limited to, attorneys' fees, costs and other expenses which may be available under the Equal Access To Justice Act, 5 U.S.C. § 504, 28 U.S.C. § 2412. 7.

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

DATED this 1ST day of OCTOBER, 2012.

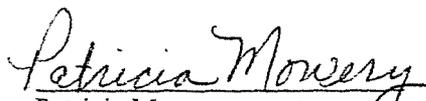
/s/ JON E. DEGUILIO

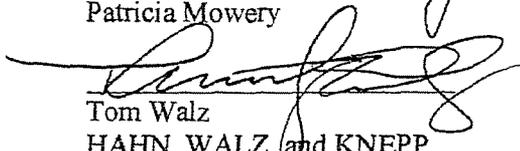
THE HONORABLE
UNITED STATES DISTRICT JUDGE

The undersigned apply for and consent to the entry of this Consent Order and Judgment this 27th of JULY, 2012:

For the Defendants:


Cheryl Sloan

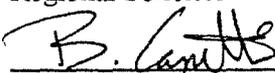

Patricia Mowery


Tom Walz
HAHN, WALZ, and KNEPP
Attorneys for Cheryl Sloan and Patricia Mowery

For the Secretary of Labor:

M. PATRICIA SMITH
Solicitor of Labor

JOAN E. GESTRIN
Regional Solicitor


Bruce C. Canetti
Attorneys for HILDA L. SOLIS
Secretary of Labor, Plaintiff