

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

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

Plaintiff,

v.

Case No.: 8:13-cv-1360-MSS-AEP

NOHL CREST HOMES CORPORATION;
KENNETH R. EMERY, an Individual;
PETER G. TIBMA, an Individual; and the
NOHL CREST HOMES CORPORATION
EMPLOYEE STOCK OWNERSHIP PLAN,

Defendants.

AMENDED ORDER

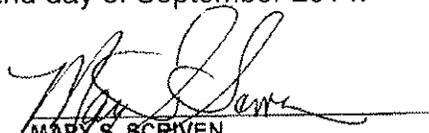
THIS CAUSE comes before the Court for consideration of the parties' Consent Judgment and Order as to Defendant Peter G. Tibma and Third Party Defendant Jose Fernandez. (Dkt. 46) Upon review and consideration, it is hereby **ORDERED** that:

1. The Consent Judgment and Order as to Defendant Peter G. Tibma and Third Party Defendant Jose Fernandez (Dkt. 46) is **GRANTED**. The Consent Judgment, attached to this Order, is **APPROVED** and **ADOPTED** as part of this Order of this Court.
2. The Clerk is directed to **ENTER** judgment in favor of Plaintiff and against Defendant Peter Tibma in the amount of \$275,000.00.
3. Upon full satisfaction of the terms of the settlement agreement between the

parties, Plaintiff will file a Satisfaction of Judgment as to the amount of this judgment.

4. Upon the filing of the Satisfaction of Judgment, Defendant Peter Tibma's cross claim against Defendant Kenneth Emery shall be deemed dismissed without prejudice, and his third-party claim against Third Party Defendant Jose Fernandez shall be deemed dismissed with prejudice.
5. Defendant Peter Tibma, his agents, servants, and all persons in active concert or participation with him, upon receiving actual or constructive notice of this Consent Judgment, are hereby **PERMANENTLY ENJOINED and RESTRAINED** from violating the provisions of Title I of the Employment Retirement Income Security Act of 1974, 29 U.S.C. §1001 et seq ("ERISA").
6. Defendant Peter Tibma is **PERMANENTLY ENJOINED and RESTRAINED** from acting as a fiduciary, trustee, agent, or representative in any capacity to any employee benefit plan, as defined by ERISA.
7. As the Department of Labor is a party to this litigation and jurisdiction would lie in federal court in any event, the Court retains jurisdiction to resolve any dispute that may arise between the parties as to the settlement agreement.
8. Having advised this Court of a likely settlement with the remaining defendant, Kenneth Emery, Plaintiff shall have twenty (20) days from the date of this Order to file a consent judgment with respect to Defendant Emery.

DONE and ORDERED in Tampa, Florida this 22nd day of September 2014.


MARY S. SCRIVEN
UNITED STATES DISTRICT JUDGE

Copies Furnished To:
All Counsel of Record
All *Pro Se* parties