

News Release



U.S. Department of Labor
Office of Public Affairs
Atlanta, Ga.
USDL: 03-657 ATL (273)

For Immediate Release
October 30, 2003
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Labor Department Sues Owner of Defunct Georgia Company Over Abandoned 401(k) Plan

ATLANTA--The U.S. Department of Labor filed a lawsuit to obtain an independent fiduciary to manage the Media Masters, Inc., 401(k) plan of Alpharetta, Ga., after the plan was left without a plan fiduciary.

“The participants in this plan came to us for help. We are taking legal action to ensure the participants receive the benefits promised by the company,” said Howard Marsh, director of the department’s Atlanta regional office of the Employee Benefits Security Administration (EBSA), which investigated the case.

The suit, filed Oct. 15, in federal district court in Atlanta, alleges that corporate owner Henry L. Jones violated the Employee Retirement Income Security Act when he abandoned the plan, leaving participants without a way to transact plan business and communicate with the plan. Without a plan fiduciary, participants and beneficiaries have been unable to obtain distributions from their accounts.

The suit seeks to remove Jones as the plan trustee and to appoint an independent fiduciary to distribute plan assets to participants and beneficiaries and terminate the plan if necessary.

The corporation ceased operations on Nov. 6, 2000. The 401(k) plan had five participants and \$22,839.93 in assets as of July 16, 2002.

Employers and workers can contact the district office at (404) 562-2156 or EBSA’s toll free number, **1-866-444-3272**, for help with problems relating to private-sector pension and health plans.

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(Chao v. Jones) Civil Action No. 1:03-CV-3163