

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF CONNECTICUT

EUGENE SCALIA, SECRETARY OF LABOR,  
United States Department of Labor,

Plaintiff,

v.

EXECUTIVE PRINTING OF DARIEN, L.L.C.,  
CHAPIN PACKAGING L.L.C., and JOHN  
TRASK PFEIFLE, Individually

Defendants.

CIVIL ACTION NO: 3:20-cv-00196-JBA

**CONSENT ORDER AND JUDGMENT**

Plaintiff Eugene Scalia, Secretary of Labor, United States Department of Labor, pursuant to the provisions of the Employee Retirement Income Security Act of 1974 ("ERISA"), as amended, 29 U.S.C. §1001, *et seq.*, filed a complaint against defendants Executive Printing of Darien, L.L.C. ("EPOD"), Chapin Packaging, L.L.C. ("Chapin Packaging"), and John Trask Pfeifle ("Pfeifle"), alleging breaches of their fiduciary responsibilities under ERISA §§ 404(a)(1)(A), 404(a)(1)(B), 404(a)(1)(D), 406(a)(1)(D), 406(b)(1), 406(b)(2), 403(c)(1), 403(a), and 412 with respect to the Chapin Packaging L.L.C. 401(k) Profit Sharing Plan and Trust ("the Plan").

Defendants EPOD and Chapin Packaging were served on March 3, 2020. Defendant Pfeifle was served on March 25, 2020.

The plaintiff and defendants 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.

The parties agree that, if the Secretary of Labor assesses a penalty pursuant to ERISA §502(l) in connection with the violations alleged in this matter, the “applicable recovery amount” shall include all amounts paid in accordance with this Consent Order and Judgment.

Upon consideration of the record herein, and as agreed to by the parties, the Court finds that it has jurisdiction to enter this Consent Order and Judgment.

IT IS THEREFORE ORDERED that:

1. Defendants EPOD, Chapin Packaging, and Pfeifle are permanently enjoined and restrained from violating the provisions of Title I of ERISA, 29 U.S.C. §1001 *et seq.*

2. Within 90 days of the entry of the Consent Order and Judgment Defendants EPOD, Chapin Packaging, and Pfeifle shall pay \$17,352.83 to the Plan, representing the amount owed for failing to remit withheld employee contributions to the Plan, plus total lost opportunity costs. The lost opportunity costs represent the amount of money the Plan would have earned on the assets during the relevant time period, and have been calculated through June 29, 2020. Upon receipt the Plan shall credit these monies to the investment accounts of any individuals, except Defendant Pfeifle, who: (1) were employees of Defendants EPOD or Chapin Packaging, (2) were Plan participants during the period July 18, 2014 through August 15, 2015, and (3) had voluntary employee contributions or participant loan repayments withheld from their pay for contribution to the Plan during this period and such contributions were unremitted or

remitted to the plan in an untimely manner. Defendants shall pay \$17,352.83 to the plan in accordance with the attached Exhibit A, which sets forth the amounts due to each participant. The Plan shall allocate the aforementioned money to the individual investment accounts of the Plan's participants in an amount equal to unremitted contributions, participant loan repayments and/or lost income owed to each participant in accordance with Exhibit A.

3. Within 30 days of making payment, Defendants shall provide the Secretary with satisfactory proof of the payment by submitting documentation to the Regional Director, Carol Hamilton, at 15 New Sudbury Street Suite 575 Boston, MA 02203.

4. Within 10 business days of the entry of this consent order and judgment, Defendants EPOD, Chapin Packaging, and Pfeifle shall obtain bonding in an amount that meets the requirements of ERISA §412, 29 U.S.C. §1112. The costs incurred in obtaining such bonding shall be paid by Defendants EPOD, Chapin Packaging, and Pfeifle.

5. Within one hundred and twenty (120) calendar days of the entry of the Consent Order and Judgment, Defendants EPOD, Chapin Packaging, and Pfeifle shall issue an updated Summary Plan Description that complies with ERISA §§102(a) and 104(b) to the Plan's participants. The Defendants shall provide the Secretary with a copy of the Summary Plan Description that is distributed to the Plan's participants.

6. Each party agrees to bear its own attorneys' fees, costs and other expenses incurred by such party in connection with any stage of this proceeding including, but not

limited to, attorneys' fees which may be available under the Equal Access to Justice Act, as amended.

7. The Court shall maintain jurisdiction over this matter only for purposes of enforcing this Consent Judgment and Order.

8. Nothing in this Order is binding on any government agency other than the United States Department of Labor.

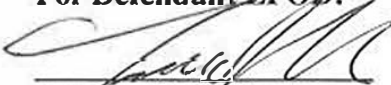
DATED August 3, 2020

/s/ Janet Bond Arterton  
UNITED STATES DISTRICT JUDGE

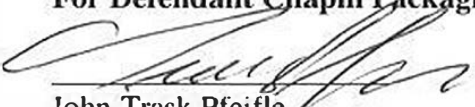
The parties hereby consent to the entry of this consent order and judgment:

Respectfully Submitted,


**For Defendant EPOD:**

  
John Trask Pfeifle  
3 Knollwood Lane  
Darien CT 06820

**For Defendant Chapin Packaging:**

  
John Trask Pfeifle  
3 Knollwood Lane  
Darien CT 06820

**For Defendant John Trask Pfeifle:**

  
John Trask Pfeifle  
3 Knollwood Lane  
Darien CT 06820

**For the Plaintiff:**

Kate S. O'Scannlain  
Solicitor of Labor

Maia S. Fisher  
Regional Solicitor

Marjorie A. Butler  
Counsel for ERISA

/s/ Sheila A. Gholkar  
Sheila A. Gholkar  
Trial Attorney  
U.S. Department of Labor  
Regional Solicitor's Office  
JFK Federal Building, E-375  
Boston, MA 02203  
TEL.: (617) 565-2500  
DATE: July 24, 2020