

**UNITED STATES DISTRICT COURT
FOR NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MARTIN J. WALSH,

Plaintiff,

Case No. 1:22-cv-01673

Honorable Elaine E. Bucklo

v.

DAVID RINE, JULIETA MITRA,
HOME BOUND HEALTHCARE, INC.
and HOME BOUND HEALTHCARE,
INC. 401(K) PLAN,

Defendants.

DEFAULT JUDGMENT

Plaintiff, Martin J. Walsh, Secretary of Labor, United States Department of Labor (“Secretary”), having filed his complaint, defendants David Rine, Julieta Mitra, Home Bound Healthcare, Inc. (“Home Bound”), and Home Bound Healthcare, Inc. 401(k) Plan (“Plan”) having been duly served with a copy of the complaint and summons; Defendants David Rine, Julieta Mitra, Home Bound, and the Plan having failed to plead or otherwise defend within the time prescribed by law; the Court having entered a default against Defendants David Rine, Julieta Mitra, Home Bound, and the Plan on August 1, 2022; and the amount owed by Defendants having been verified by the declaration of Investigator David Rainey, attached hereto as Exhibit A; now, therefore upon motion of the Secretary and for cause shown,

JUDGMENT IS HEREBY ENTERED against Defendants David Rine, Julieta Mitra, Home Bound, and the Plan in accordance with the prayer of the complaint in the above-styled action; and it is:

ORDERED, DECREED, AND ADJUDGED that:

A. Defendants David Rine, Julieta Mitra, and Home Bound Healthcare, Inc. are permanently enjoined from violating the provisions of Title I of ERISA.

B. Defendant David Rine, Julieta Mitra, and Home Bound Healthcare, Inc. are jointly and severally liable to the Plan in the amount of \$59,921.35 for failing to remit and timely remit employee contributions and participant loan repayments to the Plan for certain payroll periods between April 1, 2016 through August 16, 2019, as well as an additional \$25,481.10 in associated lost opportunity costs, calculated through August 3 2022.

C. Within fourteen days of the entry of this judgment, Defendants David Rine, Julieta Mitra, and Home Bound Healthcare, Inc. shall restore \$85,402.45 to the Plan.

D. The \$85,402.45 restoration to the Plan shall be completed by reinstituting an account in the name of the Plan with the Plan Custodian, Mass Mutual Financial Group, and then depositing the full amount with the Plan Custodian via a certified check in the name of the Plan. Along with the restoration payment, the Defendants shall provide written allocation instructions, in accordance with Exhibit B, attached hereto and made a part hereof, identifying the amounts each participants' account are allocated. Within seven days after the issuance of the check and submission of the written allocation instructions Defendants shall send copies of those documents to Regional Director, Employee Benefits Security Administration, U.S. Department of Labor, 230 S. Dearborn St., Suite 2160, Chicago, Illinois 60604.

E. Except to the extent necessary to effectuate this Judgment, within twenty-one days of the entry of this Judgment Defendants David Rine, Julieta Mitra, and Home


Bound Healthcare, Inc. shall be removed as fiduciaries, service providers, trustees, and administrators of the Plan.

F. Except to the extent necessary to effectuate this Judgment, Defendants David Rine, Julieta Mitra, and Home Bound Healthcare, Inc. are permanently enjoined from serving as fiduciaries or service providers to any ERISA-covered employee benefit plan.

G. The United States Marshall shall cause a true copy of this judgment to be served on all of the Defendants.

H. The Secretary is awarded the costs of this action.

Dated: This 20th day of October 2022.



Hon. Elaine. E Bucklo
U.S. District Court Judge