

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

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<b>MARTIN J. WALSH</b> , Secretary of Labor,	:	
United States Department of Labor,	:	
	:	
Plaintiff,	:	
	:	<b>No. 17-cv-07931</b>
v.	:	<b>Judge John F. Kness</b>
	:	
<b>AEU BENEFITS, LLC,</b>	:	
<b>AEU HOLDINGS, LLC,</b>	:	
<b>BLACK WOLF CONSULTING, INC.,</b>	:	
<b>SD TRUST ADVISORS, LLC,</b>	:	
<b>and the AEU HOLDINGS, LLC</b>	:	
<b>EMPLOYEE BENEFIT PLAN,</b>	:	
	:	
Defendants.	:	
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**ORDER REGARDING INDEPENDENT FIDUCIARY’S MOTION TO APPROVE PLAN OF DISTRIBUTION, INTERIM DISTRIBUTION AND OTHER REQUESTED RELIEF**

Before the Court is the Independent Fiduciary’s Motion 1) To Approve Plan of Distribution; 2) To Approve Interim Distribution; 3) To Approve Related Relief as Requested Herein and 4) To Set Objection Deadline, and Motion to Enter Order Granting Requested Relief as Final Pursuant to Rule 54(b) Fed. R. Civ. P. (“Motion”) (D.E. # 588).

Upon review of the Motion and attendant filings, the Court understands that the first matter to address is the setting of a deadline for objection to the Motion and the providing of notice of the Motion (and the objection deadline) to all approved claimants.

To that end, the Independent Fiduciary, in the Motion, urges the Court to approve a template letter notice that will be sent to Medical Providers who will receive an interim distribution of \$5.00 or more (Exhibit B to the Motion), and a template postcard notice that will be sent to all other approved claimants (Exhibit C to the Motion), as providing adequate notice of a) the filing

of the Motion, b) the substance of the Motion and the relief sought, c) the deadline for objections to the Motion, d) the warning that failure to timely object would result in the waiver of objections to the Motion and e) the providing of information as to where a copy of the Motion and attendant filings could be accessed and where a recipient of the letter notice or the postcard notice could call or email for more information.

As set forth in the Independent Fiduciary's Motion and attendant filings, once the Court approves the template of the letter notice and postcard notice as being adequate notice, the Independent Fiduciary will mail the letter notice to the Medical Provider claimants listed to receive an interim distribution of \$5.00 or more and will mail the postcard notice to all other approved claimants. At the time of the mailings, the Independent Fiduciary will insert a date certain, sixty (60) days from the mailings of the letter notice or postcard notice, which will be the deadline for objection. As further set forth in the Independent Fiduciary's Motion and attendant filings, if objections are timely filed, then the Court would enter a subsequent order that would establish deadlines for responses, replies and hearing (if necessary) relating to the objections. If no objection is timely filed, then the Independent Fiduciary would file with the Court a proposed order granting the claims for relief requested in the Motion.

The Court finds that the entry of an initial order, as requested above, to be followed by subsequent orders either establishing a timeframe to address objections to the Motion or, if there are no timely objections filed, instructing the Independent Fiduciary to file a proposed order granting the claims for relief it seeks, is reasonable, makes sense and is within the discretion of the Court to issue orders addressing the management of the docket before it.


Accordingly, the Court orders as follows:

- 1) The letter notice attached as Exhibit B and the postcard notice attached as Exhibit C to the Motion are approved as adequate notice to the recipient of those notices

- of a) the filing of the Motion, b) the claim for relief requested in the Motion, c) the deadline established for objection to the Motion, d) the warning that the failure to timely object to the Motion waives the ability to object and e) how to access a copy of the Motion and attendant filings;
- 2) The Independent Fiduciary will mail, via first class mail, the letter notices (Exhibit B to the Motion) to the Medical Provider claimants who are to receive an interim distribution of \$5.00 or more and will mail, via first class mail, the postcard notice (Exhibit C to the Motion) to all other approved claimants, as soon as practicable after the entry of this Order;
  - 3) The deadline for the filing of objections to the Motion is a date certain to be inserted by the Independent Fiduciary into the letter and postcard notices that is sixty (60) days after the post mark date of the original mailing of the letter and/or postcard notices;
  - 4) If a postcard notice to an approved claimant listed on Exhibit 1 to the Plan of Distribution (Participants or Employers) is returned as “undeliverable,” the Independent Fiduciary will use reasonable and economically feasible measures to locate the address of the Participant or Employer and will send another postcard notice to that claimant.
  - 5) If the letter or postcard notice to an approved claimant listed on Exhibit 2 or Exhibit 3 to the Plan of Distribution (Medical Providers and Non-Medical Claimants) is returned with a forwarding address noted, the Independent Fiduciary will send another letter or postcard notice to that address. However, if a letter or postcard notice to these claimants is returned without a forwarding address noted, the Independent Fiduciary is not required to take any measures to locate the claimant and resend a letter or postcard notice.
  - 6) If timely objections are filed, then the Court will, through subsequent order, establish response deadlines, reply deadlines and a hearing date (if necessary) as to the objections to the Motion or if there are no timely objections filed, then the Court orders the Independent Fiduciary to submit a proposed order granting the claims for relief sought in the Motion.
  - 7) As a further measure of providing notice to the claimants in the Benefit Plan Liquidation Estate, the Independent Fiduciary will post as soon as practicable, all filings attendant to its Motion and this Order to the website dedicated to this matter: <https://www.receivermgmt.com/aeubenefitplan.htm>

SO ORDERED in No. 17-cv-07931.

Date: July 12, 2021

  
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JOHN F. KNESS  
United States District Judge