

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

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MARTIN J. WALSH, Secretary of Labor, :  
United States Department of Labor, :

Plaintiff, :

v. :

AEU BENEFITS, LLC, :  
AEU HOLDINGS, LLC, :  
BLACK WOLF CONSULTING, INC., :  
SD TRUST ADVISORS, LLC, :  
and the AEU HOLDINGS, LLC :  
EMPLOYEE BENEFIT PLAN, :

Defendants. :  
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CIVIL ACTION NO. 1:17-cv-07931  
(Hon. John F. Kness)

**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**

Receivership Management, Inc., as Court-appointed Independent Fiduciary over the AEU Holdings, LLC Employee Benefit Plan and Participating Plans (“Benefit Plan”), moves the Court to enter an order a) approving the Independent Fiduciary’s recommended Plan of Distribution of Assets from the Benefit Plan Liquidation Estate and b) approving the Independent Fiduciary recommended Interim Distribution. The Independent Fiduciary further moves for entry of an Order holding that if a Medical Provider accepts a distribution, pro rata or otherwise, from the Benefit Plan Liquidation Estate, then that Medical Provider waives and releases all pursuit of amounts owed from the Benefit Plan not paid by the distribution and is prohibited from reporting negative credit information or engaging in collection activity against Benefit Plan Participants

regarding amounts still owed to the Medical Provider from the Benefit Plan. The Independent Fiduciary further requests that the Court establish a deadline for the filing of objections to this Motion and approve 1) a template letter notice that will be mailed to all Medical Provider claimants who will be receiving an interim distribution of \$5.00 or more and 2) a template postcard notice that will be mailed to all other Benefit Plan approved claimants (approximately 9,300 in total), said mailings providing notice of this Motion and the objection deadline and other attendant information. Finally, the Independent Fiduciary moves the Court to enter the order which ultimately grants the Independent Fiduciary's claims for relief (i.e. approving the Plan of Distribution, the Interim Distribution and the prohibitions as against Medical Providers) as a final order, pursuant to Rule 54(b) Fed. R. Civ. P., there being no just reason for delay.

Filed herewith is the Independent Fiduciary's Memorandum in Support of Motion.

Attached hereto, as Exhibits to this Motion, are the following:

Exhibit A: Independent Fiduciary's Plan of Distribution/Interim Distribution with Exhibits 1-6 attached thereto,

Exhibit B: Template of the Letter Notice that will be mailed, upon approval of the Court, to all Medical Provider Claimants who are to receive an interim distribution of \$5.00 or more giving notice of this Motion, objection deadline and other attendant information, and

Exhibit C: Template of the Postcard Notice that the Independent Fiduciary will, upon approval of Court, mail to all other Benefit Plan approved claimants giving notice of this Motion, objection deadline and other attendant information.

As set forth immediately below, and as requested by the necessary sequence of matters at issue in this Motion, the Independent Fiduciary moves for:

1) Entry of a Court Order approving the Letter Notice Template and the Postcard Notice Template, attached as Exhibits B and C, as providing a) adequate notice of this Motion and the objection deadline, b) sufficient information regarding the relief requested in this Motion and c) sufficient information as to how the Benefit Plan Claimant receiving the letter or postcard notice can access a copy of the Motion filings;

2) Entry of a Court Order that will establish the deadline for objection to the Motion being a date certain at least sixty (60) days from the original mailing of the letter or the postcard notice and which states that a failure to timely object to the Motion results in the claimant waiving objection to the Independent Fiduciary's Motion; and

3) Entry of a Court Order that states that if objections are timely filed, then an order will issue regarding timeframes for responses, replies and filings attendant to the Court's decision regarding any such objections or if no objections are timely filed, then the Independent Fiduciary is to present, for the Court's consideration, a proposed order granting the claims for relief requested in the Motion.

The Independent Fiduciary will submit a draft order setting forth the matters covered immediately above to the e-mail address used for such submissions.

Respectfully submitted,

s/ Alan F. Curley

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s/ J. Graham Matherne

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*Counsel to the Independent Fiduciary*