

Exhibit G

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

ELAINE L. CHAO,)	
Secretary of Labor,)	
U.S. Department of Labor,)	FILE NO.
)	1:04-CV-0943-BBM
Plaintiff,)	
)	
vs.)	
)	
INTERNATIONAL UNION OF INDUSTRIAL)	
AND INDEPENDENT WORKERS, OAK TREE)	
ADMINISTRATORS, INC., GEOFFREY J.)	
BELTZ, JAMES MILLER, DAVID WRIGHT,)	
HENRY SOLOWIEJ, CHERILLE G. SHELPS,)	
and INTERNATIONAL UNION OF INDUSTRIAL)	
AND INDEPENDENT WORKERS BENEFIT FUND,)	
)	
Defendants.)	

ORDER GRANTING INDEPENDENT FIDUCIARY'S MOTION TO APPROVE
DISTRIBUTION OF ASSETS OF IUIIW BENEFIT FUND ESTATE AND FOR
RELATED RELIEF

On February 26, 2009, the Independent Fiduciary filed a Motion to Approve Distribution of Assets of IUIIW Benefit Fund Estate and for Related Relief (D.E. #305) ("Motion to Approve Distribution"). Notice of that filing, and the opportunity to respond to that filing, was sent to all approved IUIIW Benefit Fund claimants, as well as notice of the setting of a Friday, April 3, 2009 10:00 a.m. (EST) hearing wherein objections or oppositions to the Motion to Approve Distribution would be heard.

This Court has not received, either through filing with the Clerk's Office or through contact with Chambers, any opposition or objection to the Motion to Approve Distribution. Moreover, at the noticed Friday, April 3, 2009 hearing, no claimant appeared to voice opposition or objection.

Upon review of the Motion to Approve Distribution, and the record of the proceeding, the Court finds the Motion well taken. The Court further finds that all matters requested by the Independent Fiduciary are matters that aid in the progression of the IUIIW Benefit Fund liquidation.

Accordingly, the Court orders as follows:

- 1) The listing of claimants attached as Exhibit 1 to this Order (and which is incorporated herein) is approved;
- 2) Pro rata payment of available assets as set forth in Exhibit 1 to this Order is approved;
- 3) All asset recovery efforts reasonably expected to result in material recovery have been completed;
- 4) Payment of \$35,740.93 from the IUIIW Benefit Fund Estate to the independent fiduciary of the IUIIW Benefit Fund is approved;
- 5) A reserve of \$64,440.00 to address current and future administrative expenses of the Independent Fiduciary is approved;
- 6) All other assets of the IUIIW Benefit Fund Estate are available for distribution and will be distributed pro rata to the

claimants listed in Exhibit 1 in the fashion set forth in that exhibit;

7) In continuation of the reasonable protections provided to IUIIW Benefit Fund participants through this Court's Preliminary Injunction (D.E. #70), all health care provider claimants, who/which accept the pro rata distribution approved through this Order, are prohibited from pursuing any claim against any IUIIW Benefit Fund participant (or covered dependent) for any deficiency amount not paid on a particular claim, other than the non-payment of any co-pay or deductible amount applicable to the particular claim;

8) In continuation of the reasonable protections provided to IUIIW Benefit Fund participants through the Court's Preliminary Injunction (D.E. #70), all health care provider claimants, who/which accept the pro rata distribution approved through this Order, are prohibited from reporting to any credit reporting agency any negative credit information as to any IUIIW Benefit Fund participant (or covered dependent) concerning the deficiency amount not paid on a particular claim, other than the reporting of non-payment of any co-pay or deductible amount applicable to the particular claim;

9) Any claimant distribution payment of less than \$50.00 that is returned to the Independent Fiduciary as "wrong address" or "undeliverable" will be forwarded to the unclaimed property department of the State of the claimant's last known address to be held by that unclaimed property department in that claimant's name pursuant to the rules and regulations of that department;

10) Regarding any claimant distribution payment of \$50.00 or more that is returned to the Independent Fiduciary as "wrong address" or "undeliverable," the Independent Fiduciary will employ reasonable means to locate the

claimant; if those reasonable efforts fail in locating the particular claimant within Sixty (60) days of having the distribution payment returned or if the second effort to send the payment also results in the distribution payment being returned, then the funds are to be forwarded to the unclaimed property department of the State of the last known address of the claimant, to be held in that claimant's name pursuant to the rules and regulations of that department; reasonable costs incurred by the Independent Fiduciary in locating or attempting to locate a claimant may be deducted from amounts forwarded to that located claimant or to the applicable State's unclaimed property department;

11) Upon completion of the distribution and addressing unclaimed property issues, the Independent Fiduciary will submit (a) a general statement/report that she has completed all tasks, taken all required efforts and made all required filings, (b) a summary accounting of the funds received, spent, distributed and reserved, and (c) a proposed Order for the Court to consider for entry, which acknowledges the completion of all tasks, discharges the Independent Fiduciary and closes the Benefit Fund Estate as fully liquidated; and

12) The Independent Fiduciary is to retain IUIIW Benefit Fund records and documents as required under ERISA (see e.g. 29 U.S.C. §§ 1027, 1059 and 1113) but may, upon entry of the Order discharging her, dispose of all Benefit Fund documents that are not covered under the above-referenced statutes.

The Court also finds that there is no just reason for delay regarding the finality of this particular Order. The Court is aware that while this Order approves payment of all available assets to the IUIIW Benefit Fund claimants as set forth in

Exhibit 1, subsequent filings making final report, seeking closure of the case and requesting discharge of the Independent Fiduciary are yet to come. There does exist, however, a need for certainty regarding the rulings set forth in this Order. For example, the claimants need to know that receipt of the distribution payment approved hereunder will not be undone by some later challenge and the Independent Fiduciary needs to be able to rely on the procedures set forth regarding matters such as unclaimed property and final reporting to the Court. Accordingly, pursuant to Rule 54(b) Fed. R. Civ. P., the Court expressly directs the Clerk to enter this Order as a **FINAL JUDGMENT** on the matters addressed herein.

Because there has been no opposition or objection to the Independent Fiduciary's Motion to Approve Distribution, and in order to preserve IUIIW Benefit Fund funds, the Court deems it sufficient for that, in addition to the Clerk's sending a copy of this Order pursuant to the CM/ECF System, the Independent Fiduciary, upon receipt of this Order, will post a copy of this Order on her website -(IUIIW Updates Section) - as opposed to mailing a copy of the Order to every approved claimant.

It is so ORDERED this the 3rd day of April, 2009.

s/Beverly B. Martin

Beverly B. Martin
United States District Judge

Submitted and Approved for Entry

/s/ J. Graham Matherne

J. Graham Matherne, #11294
(Admitted through Court Order
entered October 17, 2004)
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