

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

R. ALEXANDER ACOSTA,)	
Secretary of Labor,)	
United States Department of Labor,)	
)	CIVIL ACTION NO.
Plaintiff,)	1:17-cv-07931
)	
AEU BENEFITS, LLC,)	Judge Joan H. Lefkow
AEU HOLDINGS, LLC,)	
BLACK WOLF CONSULTING, INC.,)	
SD TRUST ADVISORS, LLC,)	
and the AEU HOLDINGS, LLC)	
EMPLOYEE BENEFIT PLAN,)	
)	
Defendants.)	
_____)	

ORDER

This cause comes to be heard upon the *Independent Fiduciary's Motion (1) To Terminate All AEU Plans and Participating Plans, Except as to Those Plans Related to the AEUB-2 Segregated Account/Focus Health Solutions, and (2) For AEU to Show Cause Why Funds Held in the AEUB-2 Segregated Account Are Not Plan Assets Covered by the Preliminary Injunction.*

It is Hereby Ordered as follows:

(1) The Independent Fiduciary's motion to terminate is granted and the Court approves of the termination of the AEU Plan and Participating Plans that are covered by the following aggregators:

- Black Wolf Consulting
- Veritas
- OEM America
- AGC Las Vegas
- Quality Business Solutions
- PMI
- Corporate Solutions

Excluded from the termination are the plans relating to / aggregated by Focus Health Solutions.

(2) On or before December 29, 2017, the Independent Fiduciary shall provide notice to the employer groups and participants of the AEU Plan and Participating Plans (except employer groups associated with AEUB-2/Focus Health Solutions) informing them (a) of the status of the AEU Plan and Participating Plans, (b) that the AEU Plan and all Participating Plans are being terminated, and (c) that a Termination Date of January 31, 2018 has been set. Such notice may contain information as to the termination plan including the claims submission deadline.

(3) As of the January 31, 2018 Termination Date, the AEU Plan and Participating Plans (except plans associated with AEUB-2/Focus Health Solutions) will no longer provide any coverage to any members of the AEU Plan or Participating Plans.

(4) The Independent Fiduciary, within a reasonable time after the Termination Date, shall submit to the Court, the Secretary, and all other parties a report detailing the results of these termination steps and the establishment of a procedure to be followed in submitting and addressing a claims procedure and other matters related to wind-up of the AEU Plan and Participating Plans, which will incorporate the appeal process regarding any adverse claim determination as set forth in Exhibit A to the Preliminary Injunction.

(5) The Court further orders, upon request of Movant Independent Fiduciary, that the Independent Fiduciary's motion to set a show cause hearing, with appropriate briefing schedule, regarding the AEUB-2/Focus Health Solution issues be, and hereby is, entered and continued until Wednesday, January 10, 2018 at 10:00 a.m.

IT IS SO ORDERED, this 21th day of December, 2017.


Honorable Joan H. Lefkowitz
United States District Court Judge

Respectfully Submitted,

s/ Alan F. Curley
Alan F. Curley
ROBINSON CURLEY P.C.
300 South Wacker Drive
Suite 1700
Chicago, Illinois 60606
(312) 663-3100
acurley@robinsoncurley.com

J. Graham Matherne (*Pro Hac Vice*)
Andrew J. Pulliam (*Pro Hac Vice*)
WYATT, TARRANT & COMBS, LLP
333 Commerce Street, Suite 1400
Nashville, Tennessee 37201
(615) 244-0020
gmatherne@wyattfirm.com
apulliam@wyattfirm.com

Counsel to the Independent Fiduciary