

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

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

**SECRETARY OF LABOR’S UNOPPOSED MOTION FOR AN ORDER STAYING ALL
PROCEEDINGS AGAINST PARTICIPANTS, BENEFICIARIES, THE AEU
HOLDINGS, LLC EMPLOYEE BENEFIT PLAN (“AEU PLAN”), EMPLOYER PLANS
PARTICIPATING IN THE AEU PLAN, AND PLAN ASSETS**

R. Alexander Acosta, Secretary of the United States Department of Labor (“the Secretary”), moves for an order staying all proceedings against the participants and beneficiaries of the ERISA-covered employer plans (“Participating Plans”) participating in the Multiple Employer Welfare Arrangement (“MEWA”) known as the AEU Holdings LLC Employee Benefit Plan (“AEU Plan”) arising from unpaid benefit claims, as well as all proceedings against the AEU Plan, Participating Plans, and plan assets. Prompt judicial intervention, pursuant to ERISA §§ 409 and 502(a)(2) and (5), 29 U.S.C. §§ 1109 and 1132(a)(2) and (5), and the All Writs Act, 28 U.S.C. § 1651, is necessary to protect the plans and their participants. In support of this motion, the Secretary files concurrently a Memorandum in Support with attached exhibits.

The Secretary consulted with attorneys for Defendants AEU Benefits, LLC, AEU Holdings, LLC, Black Wolf Consulting, Inc., and SD Trust Advisors, LLC, regarding this motion. None of the parties object to the requested relief and this motion is therefore filed unopposed.

WHEREFORE, to maintain the AEU Plan and Participating Plans' assets and protect participants and beneficiaries from lawsuits relating to unpaid medical claims, the Secretary requests the Court enter an order staying all federal and state proceedings arising from unpaid benefit claims against participants and beneficiaries, and staying all federal and state proceedings against the AEU Plan, Participating Plans, and any plan assets of the AEU Plan and Participating Plans.

For the Secretary:

NICHOLAS C. GEALE
Acting Solicitor of Labor

CHRISTINE Z. HERI
Regional Solicitor

/s/ Brooke E. Worden
Brooke E. Worden
Trial Attorney

Bruce C. Canetti
Trial Attorney

Martha P. Frydl
Trial Attorney

Attorneys for **R. ALEXANDER ACOSTA**,
Secretary of Labor, United States
Department of Labor, Plaintiff

P.O. ADDRESS:
U.S. Department of Labor
Office of the Solicitor

230 S. Dearborn St.
Room 844
Chicago, IL 60604
T: (312) 353-3271
F: (312) 353-5698
Canetti.bruce@dol.gov
Frydl.martha@dol.gov
Worden.brooke.e@dol.gov

CERTIFICATE OF SERVICE

I hereby certify that on November 13, 2017, a copy of the foregoing UNOPPOSED MOTION FOR AN ORDER STAYING ALL PROCEEDINGS AGAINST PARTICIPANTS, BENEFICIARIES, THE AEU HOLDINGS, LLC EMPLOYEE BENEFIT PLAN (“AEU PLAN”), EMPLOYER PLANS PARTICIPATING IN THE AEU PLAN, AND PLAN ASSETS, Memorandum in Support, Exhibits A-C, Notice of Motion, and Proposed Order were served on the following parties via email and U.S. mail:

For Black Wolf Consulting, Inc.:

Joshua T. Buchman
J. Christian Nemeth
McDermott Will & Emery
444 West Lake Street, Suite 4000
Chicago, IL 60606-0029
jbuchman@mwe.com

For AEU Holdings, LLC & AEU Benefits, LLC:

Daly D.E. Temchine
Epstein Becker Green
250 Park Ave.
New York, NY 10177
DTemchine@ebglaw.com

For SD Trust Advisors, LLC:

E. Philip Bush
Locke Lord LLP
2200 Ross Ave., Suite 2800
Dallas, TX 75201
epbush@lockelord.com

Andrea Verney
Locke Lord LLP
111 S. Wacker Drive
Chicago, IL 60606
averney@lockelord.com

And via email to:

Receivership Management, Inc.
1101 Kermit Dr., Suite 735
Nashville, TN 37217
jbryant@receivermgmt.com

/s/ Brooke E. Worden
BROOKE E. WORDEN
Attorney