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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

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

**Plaintiff,**

**v.**

**RIVERSTONE CAPITAL, LLC, a  
California limited liability  
corporation; et al.,**

**Defendants.**

CASE NO. 19-CV-778-MWF (MAAx)  
Honorable Michael W. Fitzgerald

**ORDER GRANTING  
INDEPENDENT FIDUCIARY’S  
MOTION FOR COURT TO  
APPROVE INDEPENDENT  
FIDUCIARY’S  
RECOMMENDATION TO PAY  
APPROVED AMOUNTS OF  
MEMBER PROOFS OF CLAIM**

Before the Court is the Independent Fiduciary’s (“IF”) Motion for Court to Approve Independent Fiduciary’s Recommendation to Pay Approved Amounts of Member Proofs of Claim (the “Motion”) filed on May 18, 2023. (Docket No. 218).

For the reasons set forth in the IF’s Motion, the nature of the IF’s Motion is not one wherein there are adversaries or opponents with whom to confer regarding objections to the Motion. Accordingly, the Court finds it sufficient notice, in the context of the IF’s Motion, to have posted, at the time of filing, the Motion and attendant filings on the website dedicated to those Riverstone MEWA Liquidation

1 Estate proceedings ([www.receivermgmt.com/riverstone-nexgenhealthplan](http://www.receivermgmt.com/riverstone-nexgenhealthplan))  
2 (“Riverstone MEWA Website”).

3 Through its Motion, the IF has shown that under the Court-approved  
4 Revised Liquidation Plan (Docket No. 98-1), a Proof of Claim (“POC”) process  
5 was instituted whereby individuals or entities would be able to submit POCs  
6 claiming against the assets held by the Riverstone MEWA Liquidation Estate.  
7 Through its posting on the Riverstone MEWA Website of the POC Form,  
8 Definitions and Instructions, the IF gave notice that Member POCs – i.e. POCs  
9 from Participating Plan employees for reimbursement of reviewed and approved  
10 Plan Responsibility Amounts that the Member paid, which should have been paid  
11 by the particular Sponsor Employer’s employee health benefit plan – would be  
12 second in priority as to payment from the Riverstone MEWA Liquidation Estate  
13 (second only to amounts incurred as administrative expenses by the IF). (Motion  
14 at 4–6).

15 There were 140 Member POCs submitted to the IF. The IF reviewed and  
16 determined each of the 140 Member POC submissions and issued a Notice of  
17 Determination of Claim (“NOD”) as to each Member POC claimant. (Declaration  
18 of Robert E. Moore, Jr. (“Moore Declaration”) (Docket No. 218-1) ¶¶ 5–6). Three  
19 (3) Member POC Claimants objected to/requested reconsideration of the IF’s  
20 NODs. Those objections/requests for reconsideration were further reviewed and  
21 determined by the IF with communication, in writing, of those further reviews and  
22 determinations provided to the objecting POC Member Claimants. (*Id.* ¶ 6).  
23 Under the Court-approved Revised Plan of Liquidation, the NODs that were not  
24 objected to are final (Revised Liquidation Plan at 11, l. 22–23) and the further  
25 review and determination by the IF of Member POCs that were objected to are  
26 final (*Id.* at 11, ll. 23–25).

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1 The result of the IF's review and determination of the 140 Member POCs  
2 (including further review and determination of the objections to the IF's NODs) is  
3 that 49 of the Member POCs submitted have been approved for payment in an  
4 amount totaling \$41,420.89. (Moore Declaration ¶ 7, Ex. 1).

5 Through its Motion, the IF asserts that there are funds available to pay the  
6 \$41,420.89 from the Riverstone MEWA Liquidation Estate, while reserving  
7 amounts for administrative expenses regarding pursuit of other and remaining  
8 matters related to the Riverstone MEWA Liquidation Estate and for potential  
9 distribution, pro rata or otherwise, to claimants of lesser priority than the Member  
10 claimants. (Moore Declaration ¶ 8). For the reasons set forth in the Motion, the  
11 Court GRANTS the Motion and approves the IF recommendation that the  
12 \$41,420.89 be paid/distributed from Riverstone MEWA Liquidation Estate to the  
13 approved and finalized Member POC Claimants in accordance with Exhibit 1 to  
14 the Moore Declaration.

15 The Court instructs that, upon entry of this Order, the IF post a copy of this  
16 Order upon the Riverstone MEWA Website maintained by the IF.

17  
18 It is so ORDERED this the 20<sup>th</sup> day of June, 2023.  
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23 Michael W. Fitzgerald  
24 United States District Judge  
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