

FILED

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA

SEP 20 2010

ROBERT D. DENNIS, CLERK
U.S. DIST. COURT, WESTERN DIST. OF OKLA.
BY RP, DEPUTY

FLOYD SEIBERT)
Plaintiff)
VS)
CENTRAL HOME CARE SERVICES, INC)
AND AFFILIATES 401(KO PLAN Et. AL.))
Defendants)

Case No. 5:06-cv-01330-F

PLAINTIFF'S ADDITIONAL OPPOSITION TO SUCCESSOR FIDUCIARY'S REPORT AND PROPOSAL TO DISTRIBUTE ASSETS OF THE TRUSTEE-DIRECTED PORTION OF THE CENTRAL HOME CARE SERVICES, INC. AND AFFILIATES 401 (K) PLAN

COMES NOW, the Plaintiff, Floyd Seibert in the above styled case now before this Honorable Court with additional matters in this case that need to be resolved or addressed by the Court. They are as follows:

- 1) Plaintiff objects to the continued use of the Successor Fiduciary's and/or the Department of Labor continued use of references to his criminal case. The criminal case was closed due to a Plea Agreement between Mr. Seibert and the U.S. Department of Justice, acting on behalf of the Department of Labor. This case is a CIVIL case and was brought by the Plaintiff, for the sole purpose of "WINDING DOWN" the Central Home Care Services, Inc. and Affiliates 401(K) Plan. This case is about proper accounting for ALL participants, and all necessary, relevent and reliable evidence should be used in doing so. Continued descriptions of Seibert's "motives", or of his actions some eleven years after the fact serve no useful purpose.
- 2) While some participants balances in the Successor Fiduciary's Report, Collective Exhibit 4 actually agree, some balances are so far apart that one would wonder if all payouts after 2001 were confirmed. The fact that the Dept. of Labor just now provided the Plaintiff with bank records of this period of time, would indicate that perhaps they were not. Also many participant's had "hardship loans" that were

never paid back and were written off during this period of time.

3) The Successor Fiduciary is holding funds for the Employee-directed portion of the Plan, that was on deposit with ManuLife/John Hancock. These funds were always accounted for and were NOT directed to any investments other than those that were directed by the Employee. Mr. Seibert feels that these amounts have been adjudicated, and his balance should be distributed to him.

4) The Successor Fiduciary's Plan to pay out participants-employer directed balances should include everyone that can be located at this time and should also include Mr. Seibert, whom is also a participant.

5) the Contract with the Successor Fiduciary should be set aside as Seibert had no means to pay for it in the beginning and still has no means to pay the monthly charges.

WHEREFORE, the Plaintiff request this Honorable Court to grant the following relief:

1) Restrict the evidence that the Successor Fiduciary or the Dept. of Labor can introduce at any hearing or future conference, concerning the Plaintiff's conviction, prison record, or Plea Agreements.

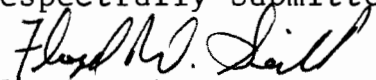
2) Order the Successor Fiduciary to review Plan participants account balances.

3) Void the contract between Seibert and the Successor Fiduciary's firm.

4) Order the Successor Fiduciary, after all participants claims have been adjudicated, to pay out the Plaintiff's balances both of the employee directed and the employer directed amounts.

5) Order such other relief as this Court may feel is just and equitable.

Respectfully Submitted,



Floyd Seibert, Pro Se #07260-030
Federal Correctional Institution
P.O.Box 1500 El Reno, Ok 73036

Certificate of Service

I hereby certify that this document was mailed, U.S.Mail, via Federal Bureau of Prisons to the Clerk of the Court, Western District of Oklahoma on September 16, 2010. *Thyl Guill*

I also certify that this document was mailed by U.S.Mail, via Federal Bureau of Prisons to the following on Sept. 16, 2010. *Thyl Guill*

Jeanne Bryant
Successor Fiduciary
783 Old Hickory Blvd. Suite 255
Brentwood, TN 37027