

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

HILDA L. SOLIS,	)	
Secretary of Labor,	)	
U. S. Department of Labor,	)	
	)	
Plaintiff,	)	
	)	
v.	)	FILE NO. 1:07-CV-0595 WSD
	)	
MARC MEIXNER, GPTA BENEFITS	)	
GROUP, INC., LESLIE E. SMITH,	)	
EMPLOYERS ONESOURCE, INC.,	)	
DAVID SHERMAN, and	)	
GEORGIA PLUMBERS TRADE	)	
ASSOCIATION HEALTH PLAN,	)	
	)	
Defendants.	)	
	)	

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ORDER GRANTING THE SUCCESSOR FIDUCIARY'S MOTION TO APPROVE  
DISTRIBUTION OF ASSETS AND PROCEDURE FOR CLOSURE OF THE PLAN AND  
DISCHARGE OF THE SUCCESSOR FIDUCIARY

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Pursuant to the November 21, 2008 Order of this Court (D.E. # 107), Jeanne Barnes Bryant was appointed as Successor Fiduciary (hereafter referred to as "Successor Fiduciary") for The Georgia Plumbers Trade Association Health Plan (hereafter referred to as "the Plan"), to carry out the terms of the Order.

Pursuant to that Order, the Successor Fiduciary has pending before the Court a motion (D.E. #137) seeking approval of a proposed Motion to Distribute Assets, approval of a reserve for any closing expenses, and approval of a procedure for closure of the Plan and Discharge of the Successor Fiduciary. Further, this motion contains the Successor Fiduciary's proposal to file her final report and motion for discharge, as contemplated by the

Court approved Plan of Distribution (D.E. # 120).

The Court having reviewed the Motion and the Exhibits attached thereto and noting that no objection has been filed in respect of such Motion and that the time for filing any responsive pleading has expired, this Court finds as follows:

1. The Successor Fiduciary's recommended payment amounts as contained in **Exhibit 1** to the Motion are in keeping with the Court's approved Plan of Distribution and the Court adopts the recommendations of the Successor Fiduciary.

2. The Successor Fiduciary's recommendation to approve payment of claims received after the filing deadline does not harm claimants who met the filing deadline and the recommended amounts are in keeping with the Court's approved Plan of Distribution. The Court adopts the recommendations of the Successor Fiduciary regarding claims listed in **Exhibit 2** to the Motion.

3. The Successor Fiduciary has requested a reserve of \$10,000 to pay for administrative expenses in connection with implementation of the Court's Order to Distribute Assets. Such reserve is reasonable and appropriate pursuant to the Court's Order of November 21, 2008.

4. The Successor Fiduciary's proposal to Distribute Assets indicates, after payment of claims and the establishment of the administrative expense reserve, a balance of \$7,519.52 will remain. The Successor Fiduciary has proposed to distribute this amount to claimants on a pro-rata basis as an interest amount on the claims submitted. The Court adopts the Successor Fiduciary's recommendation as reasonable and appropriate.

Based upon the foregoing, it is

**ORDERED AND ADJUDGED**

1. That the Motion to Distribute Assets as submitted by the Successor Fiduciary is **Approved** and **Granted**. The Successor Fiduciary is directed to make the payments as outlined in **Exhibits 1 and 2** of the Motion to Distribute Assets.

2. That the administrative reserve in the amount of \$10,000.00 is hereby **Approved**. The Successor Fiduciary shall use the reserve in payment of fees and expenses resulting from the distribution of assets without further approval of the Court.

3. That the recommendation of the Successor Fiduciary to distribute \$7,519.52 in remaining funds on a pro-rata basis to claimants as an interest amount on the claims submitted is **Approved**. The Successor Fiduciary is instructed to carry out the payment of this amount as recommended.

4. That upon completion of the distribution of assets, the Successor Fiduciary shall file a final accounting with the Court advising as to the distribution of assets. If no objection by any party or the Court is issued within thirty (30) days of such filing by the Successor Fiduciary, the final accounting of the Successor Fiduciary shall be deemed approved. The Successor Fiduciary shall also be deemed discharged without further Order of the Court.

**DONE AND ORDERED** this 11th day of February 2011.



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WILLIAM S. DUFFEY, JR.  
UNITED STATES DISTRICT JUDGE

Approved for entry:

/s/Jeanne Barnes Bryant  
Jeanne Barnes Bryant

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order has been or will be mailed and/or faxed if number available by the 7<sup>th</sup> day of February, 2011 to all parties noted below:

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BY: /s/Jeanne Barnes Bryant

Jeanne Barnes Bryant  
Successor Fiduciary