

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

R. ALEXANDER ACOSTA,
Secretary of Labor,
United States Department of Labor,

Plaintiff,

AEU BENEFITS, LLC,
AEU HOLDINGS, LLC,
BLACK WOLF CONSULTING, INC.,
SD TRUST ADVISORS, LLC,
and the AEU HOLDINGS, LLC
EMPLOYEE BENEFIT PLAN,

Defendants.

)
)
)
) CIVIL ACTION NO.
) 1:17-cv-07931-JHL-SMF
)
)
)
)
)
)
)
)
)
)

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

Receivership Management, Inc., through undersigned counsel, and in its capacity as Court-appointed Independent Fiduciary in this action, moves the Court to approve the Independent Fiduciary's recommended action that the AEU Plan and Participating Plans (as defined in the Preliminary Injunction (DE #59 at pp. 1-2)) be terminated, except for those plans related to AEUB-2 Segregated Account and Focus Health Solutions, such being in the best interest of the AEU Plan and Participating Plans. The Independent Fiduciary further requests approval of the termination plan as set forth in its accompanying Memorandum in Support.

The Independent Fiduciary further moves the Court to set a Show Cause Hearing, with appropriate briefing schedule, at which AEU and other interested parties will appear to show cause why the funds in the AEUB-2 Segregated Account are not plan assets covered by the Preliminary Injunction (see DE #59 at ¶ 10).

The Independent Fiduciary incorporates the Memorandum in Support of the Motion, filed herewith, as setting forth the reasons why the requested relief should be granted.

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* pending)
Andrew J. Pulliam (*pro hac vice* pending)
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

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing has been served upon the following, via the Court's Electronic Case Filing System upon:

Bruce C. Canetti, Esq.
Brooke Eileen Worden, Esq.
Martha Plante Frydl, Esq.
Ruben Richard Chapa, Esq.
U.S. Department of Labor
Office of the Solicitor
230 S. Dearborn St., Rm 844
Chicago, IL 60604
(312) 353-3271
Email: canetti.bruce@dol.gov
Email: worden.brooke.e@dol.gov
Email: FRYDL.MARTHA@DOL.GOV
Email: chapa.ruben@dol.gov

Erica McKinney, Esq.
Daly Temchine Esq.
Epstein Becker & Green
227 W. Monroe
Suite 3250
Chicago, IL 60606
(312) 499-1401
Email: emckinney@ebglaw.com
Email: dtemchine@ebglaw.com

Joshua Thomas Buchman, Esq.
John Christian Nemeth, Esq.
Sean Michael Koller, Esq.
McDermott Will & Emery LLP
444 West Lake Street Suite 4000
Chicago, IL 60606-0029
(312) 372-2000
Email: jbuchman@mwe.com
Email: jcnemeth@mwe.com
Email: sekoller@mwe.com

Andrea Verney, Esq.
Terrence Patrick Canade, Esq.
Locke Lord Llp
111 S. Wacker Drive
Chicago, IL 60606
(312) 443-0406
Email: Averney@lockelord.com
Email: tcanade@lockelord.com

and via e-mail transmission to:

Jason M. Rosenthal, Esq.
Honigman, Miller, Schwartz & Cohn
155 N. Wacker Drive
31st Floor
Chicago, IL 60606
(312) 701-9349
Email: jrosenthal@honigman.com

David Cowart, Esq.
Dentons US LLP
2000 McKinney Avenue
Suite 1900
Dallas, TX 75201-1858
(214) 259-0906
Email: David.cowart@dentons.com

This the 15th day of December, 2017.

s/ Alan F. Curley

Alan F. Curley