

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JULIE A. SU, Acting Secretary of Labor, )  
U.S. DEPARTMENT OF LABOR, )  
 )  
Plaintiff, )

v. )

RIVERSEDGE ADVANCED RETIREMENT )  
SOLUTIONS, LLC., a Pennsylvania Company, )  
JENNIFER PALGUTA, an individual, )

No. 2:24-cv-00104 (MJH)

v. )

MID ATLANTIC TRUST COMPANY dba )  
AMERICAN TRUST CUSTODY, a corporation, )  
SCHWAB RETIREMENT TECHNOLOGIES, )  
INC., a corporation, and CHARLES SCHWAB )  
TRUST BANK, a corporation, *solely as Rule 19* )  
*defendants,* )

v. )

BEAVER COUNTY DEFERRED )  
COMPENSATION PLAN, CHRISTIAN )  
AID MISSION 403(b) PLAN, and )  
LCBC CHURCH 403(b) PLAN, )  
*solely as Rule 19 defendants,* )

Defendants. )

**REVISED SEVENTH MOTION FOR FEES OF INDEPENDENT FIDUCIARY**

1. On October 31, 2024, Receivership Management, Inc. (“RMI”), in its capacity as court-appointed Independent Fiduciary, by counsel and pursuant to ¶ 6 of the Preliminary Injunction entered in this matter [Dkt. 40] (“Preliminary Injunction”), previously filed the Independent Fiduciary’s Eighth Notice of Fee Filing [Dkt. 125] notifying the interested parties in

this action that the fees and expenses charged by RMI and its service providers for the period of September 1, 2024 to October 31, 2024 totaled \$24,186.20.

2. Section 6 of the Preliminary Injunction [Dkt. 40] provides, in relevant part, that “[i]f no objection to a fee notice or payment by Court of the compensation, fees, or expenses described therein is filed with this Court within fifteen (15) days, the compensation, fees or expenses shall be paid by the Court to the Independent Fiduciary from amounts submitted into the Court pursuant to paragraph 5.”

3. No specific objection has been filed with the Court with respect to payment of said fees and expenses. However, LCBC Church 403(b) Plan, a Rule 19(a) Defendant, filed a terse, general objection in its Response to the Independent Fiduciary’s Statement and its Eighth & Final Notice [Dkt. 130], p. 1 (first sentence), but did not raise any specific objection as to payment of RMI’s fees and expenses.

THEREFORE, RMI hereby moves for the payment of \$24,186.20 from the CRIS deposit of \$238,918.00 in this action, or as much thereof as may be remaining in said CRIS deposit, which represents the fees and expenses charged by RMI and its service providers for the months of September and October 2024, more particularly described in the Independent Fiduciary’s Eighth Notice of Fee Filing [Dkt. 125].

Respectfully submitted,

RECEIVERSHIP MANAGEMENT, INC.,  
in its capacity as INDEPENDENT FIDUCIARY

By: /s/ Bynum E. Tudor III

Bynum E. Tudor III (*Admitted Pro Hac Vice*)

TN Bar #012279

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ATTORNEYS FOR RECEIVERSHIP  
MANAGEMENT, INC., in its capacity as  
INDEPENDENT FIDUCIARY

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JULIE A. SU, Acting Secretary of Labor, )  
U.S. DEPARTMENT OF LABOR, )  
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SOLUTIONS, LLC., a Pennsylvania Company, )  
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AID MISSION 403(b) PLAN, and )  
LCBC CHURCH 403(b) PLAN, )  
*solely as Rule 19 defendants,* )

Defendants. )

**ORDER**

AND NOW, this \_\_\_ day of November, 2024, upon consideration of the Revised Seventh Motion for Fees of Independent Fiduciary filed by Receivership Management, Inc., as a court-appointed independent fiduciary in this action, (“RMI”), and no objections having been filed to the payment of the fees and expenses charged by RMI and its service providers in the

Independent Fiduciary's Eighth Notice of Fee Filing [Dkt. 125], it is HEREBY ORDERED that the Clerk of Court is directed to withdraw from the remaining principal of \$20,050.73 and accrued interest thereon, of the original CRIS deposit of \$238,918.00, an amount equal to \$24,186.20 (or so much thereof as remaining funds permit), without interest. It is further ordered that said amount will be paid to Receivership Management, Inc., at 510 Hospital Drive, Suite 490, Madison, Tennessee 37115, who shall be responsible for disbursement of the fees and expenses described in the Independent Fiduciary's Eighth Notice of Fee Filing [Dkt. 125] to its service providers. Receivership Management, Inc. has completed a W9 form, which is on file with the Clerk's Office Finance Department. The remaining principal and all remaining interest (if any) will remain invested until further Order of Court.

SO ORDERED.

BY THE COURT:

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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

<b>JULIA A. SU, ACTING SECRETARY OF U.S.</b>	)	
<b>DEPARTMENT OF LABOR,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>CASE NO. 2:24-CV-00104 (MJH)</b>
	)	
<b>v.</b>	)	
	)	
<b>RIVERSEDGE ADVANCED RETIREMENT</b>	)	
<b>SOLUTIONS, LLC a Pennsylvania Company,</b>	)	
<b>JENNIFER PALGUTA, an individual,</b>	)	
	)	
<b>v.</b>	)	
	)	
<b>MID ATLANTIC TRUST COMPANY dba</b>	)	
<b>AMERICAN TRUST CUSTODY, a</b>	)	
<b>corporation, and CHARLES SCHWAB</b>	)	
<b>TRUST BANK, a corporation, <i>solely as Rule 19</i></b>	)	
<b><i>defendants</i></b>	)	
<b>Defendants.</b>	)	

**CERTIFICATE OF SERVICE REGARDING**  
**REVISED SEVENTH MOTION FOR FEES OF INDEPENDENT FIDUCIARY**

I hereby certify that on November 26, 2024, I caused the revised Seventh Motion for Fees of Independent Fiduciary [Dkt #143], with a revised proposed order [Dkt #143-1], to be filed and electronically served using the Court’s CM/ECF system to counsel of record for all parties to this action. I also certify that I caused the same to be served upon Ms. Jennifer Palguta through her counsel, Phillip DiLucente, by U. S. mail at Phil Dilucente & Associates, 310 Grant St Ste 1801, Pittsburgh, PA 15219 and at [phil@getphil.com](mailto:phil@getphil.com).

I also hereby certify that on November 26, 2024, I caused the revised Seventh Motion for Fees of Independent Fiduciary [Dkt #143], with a proposed order [Dkt #143-1], to be served upon the following fourteen (14) non-party plans listed in the Court’s Preliminary Injunction Order [Dkt #40], by email:

- (1) RiversEdge 401(k) Profit Sharing Plan ([pshoup@amibenefit.com](mailto:pshoup@amibenefit.com));
- (2) Hampton Technical Associates 401(k) Profit Sharing Plan ([MarkS@Hampton-Tech.net](mailto:MarkS@Hampton-Tech.net));
- (3) Max Environmental Technologies, Inc. 401(k) Savings Plan ([JStango@MaxEnvironmental.com](mailto:JStango@MaxEnvironmental.com));
- (4) Medical Predictive Science Corporation ([GAlms@HeroScore.com](mailto:GAlms@HeroScore.com));
- (5) Elite Mechanical, Inc. 401(k) Profit Sharing Plan ([donna@elite-mechanical.com](mailto:donna@elite-mechanical.com));

- (6) Leech Tishman Fuscaldo & Lampl, LLC 401(k) Profit Sharing Plan ([jsteiner@leechtishman.com](mailto:jsteiner@leechtishman.com));
- (7) W.N. Tuscano Agency, Inc. 401(k) Savings Plan ([scrary@tuscano.com](mailto:scrary@tuscano.com));
- (8) St. Barnabas Health System Retirement Savings Plan ([jdturco@stbarnabashealthsystem.com](mailto:jdturco@stbarnabashealthsystem.com));
- (9) Hawaiian Island Dental, Inc. 401(k) Plan ([allhawaiiismiles@hotmail.com](mailto:allhawaiiismiles@hotmail.com));
- (10) Ad-base Group 401K Plan ([adams@abgcapital.com](mailto:adams@abgcapital.com));
- (11) Arc of Wabash County Inc. 403(b) Plan ([MGuthrie@ArcWabash.org](mailto:MGuthrie@ArcWabash.org));
- (12) Adventure WV Plan ([m.fowler@onthegorge.com](mailto:m.fowler@onthegorge.com));
- (13) The National Fruit Product Co., Inc. 401(k) Employee Savings Plan ([atinsman@nfpc.com](mailto:atinsman@nfpc.com)) and ([agum@nfpc.com](mailto:agum@nfpc.com)) and ([tomwillis@glenlochlegal.com](mailto:tomwillis@glenlochlegal.com)); and
- (14) Family Medicine of Albemarle 401(k) Plan ([rwynne@mcguirewoods.com](mailto:rwynne@mcguirewoods.com)) and ([lsneathern@mcguirewoods.com](mailto:lsneathern@mcguirewoods.com)).

Further, on or before November 27, 2024, the Independent Fiduciary posted/will post a copy of the revised Seventh Motion for Fees of Independent Fiduciary [Dkt #143], with a proposed order [Dkt #143-1], on its web site at [www.receivermgmt.com/riversedge](http://www.receivermgmt.com/riversedge).

Respectfully submitted,

**RECEIVERSHIP MANAGEMENT, INC., AS  
COURT-APPOINTED INDEPENDENT  
FIDUCIARY OF CLIENT PLANS OF  
RIVERSEDGE ADVANCED RETIREMENT  
SOLUTIONS LLC,**

/s/ Bynum E. Tudor III  
Bynum Tudor III (TN Bar 012279)  
*Admitted Pro Hac Vice*  
Berry & Tudor PC  
5123 Virginia Way  
Suite B-23  
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(615) 726-1000  
(615) 370-0077 (fax)  
btudor@berrytudor.com

*Counsel for Receivership Management, Inc.*