

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,)
PAUL 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.)

FIRST MOTION FOR FEES OF INDEPENDENT FIDUCIARY

1. On April 19, 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 First Notice of Fee Filing [Dkt. 67] notifying the interested parties in

this action that the fees and expenses charged by RMI and its service providers for the period of January 26, 2024 to February 29, 2024 totaled \$71,638.16.

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 objection has been filed with the Court to payment of said fees and expenses.

THEREFORE, RMI hereby moves for the payment of \$71,638.16 from the CRIS deposit of \$238,918.00 in this action, which represents the fees and expenses charged by RMI and its service providers, more particularly described in the Independent Fiduciary’s First Notice of Fee Filing [Dkt. 67].

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
BERRY & TUDOR, P.C.
5123 Virginia Way, Suite B-23
Brentwood, Tennessee 37027
Telephone: (615) 726-1000
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ATTORNEYS FOR RECEIVERSHIP
MANAGEMENT, INC., in its capacity as
INDEPENDENT FIDUCIARY

IN THE UNITED STATES DISTRICT COURT
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PAUL PALGUTA, an individual,)

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

Defendants.)

[PROPOSED] ORDER

AND NOW, this ___th day of May, 2024, upon consideration of the First 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

First Notice of Fee Filing [Dkt. 67], it is HEREBY ORDERED that the Clerk of Court is directed to withdraw from the CRIS deposit of \$238,918.00 an amount equal to \$71,638.16, without interest. It is further ordered that \$71,638.16 will be paid to Receivership Management, Inc., at 510 Hospital Drive, Suite 490, Madison, Tennessee 37215, who shall be responsible for disbursement of the fees and expenses described in the Independent Fiduciary's First Notice of Fee Filing [Dkt. 67] to its service providers. Payment will not be sent until Receivership Management, Inc. completes a W9 form and mails it to the Clerk's Office at 700 Grant Street, Suite 3110, Pittsburgh, PA 15219, to the attention of the Finance Department.

SO ORDERED.

BY THE COURT:

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

JULIA A. SU, ACTING SECRETARY OF U.S.)
DEPARTMENT OF LABOR,)

Plaintiff,)

CASE NO. 2:24-CV-00104 (MJH)

v.)

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

v.)

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

Defendants.)

CERTIFICATE OF SERVICE REGARDING
FIRST MOTION FOR FEES OF INDEPENDENT FIDUCIARY

I hereby certify that on May 14, 2024, I caused the First Motion for Fees of Independent Fiduciary [ECF #76], with Proposed Order [ECF 76-1], to be filed and electronically served using the Court’s CM/ECF system to the following:

Andrea Christensen Luby
U.S. Department of Labor
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1835 Market Street
Mailstop SOL/22
Philadelphia, PA 19103
Luby.andrea@dol.gov

Counsel for Plaintiff

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Counsel for Rule 19 Defendant Mid Atlantic Trust Company

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Counsel for Rule 19 Defendants Charles Schwab, et al.

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Counsel for Rule 19 Defendant LCBC Church 403(b) Plan

Richard H. Ottinger
Woods Rogers Vandeventer Black, PLC
101 W. Main Street,
500 World Trade Center
Norfolk, VA 23510
Richard.ottinger@wrvblaw.com

Counsel for Rule 19 Defendant Christian Aid Mission 403(b) Plan

I also hereby certify that on May 14, 2024, I caused the First Motion for Fees of Independent Fiduciary [ECF #76], with Proposed Order [ECF 76-1], to be served upon the following, by First Class Mail, postage prepaid, and by email:

Beaver County Deferred Compensation Plan
Beaver County Courthouse
810 Third Street
Beaver, PA 15009
ATTN: Garen Fedeles, Esq., Beaver County Solicitor
gfedeles@beavercountypa.gov

I also hereby certify that on May 14, 2024, I caused the First Motion for Fees of Independent Fiduciary [ECF #76], with Proposed Order [ECF 76-1], to be served upon the following fourteen (14) non-party plans listed in the Court's Preliminary Injunction Order [ECF #40], by email:

- (1) RiversEdge 401(k) Profit Sharing Plan (pshoup@amibenefit.com);
- (2) Hampton Technical Associates 401(k) Profit Sharing Plan (MarkS@Hampton-Tech.net);
- (3) Max Environmental Technologies, Inc. 401(k) Savings Plan (JStango@MaxEnvironmental.com);
- (4) Medical Predictive Science Corporation (GAlms@HeroScore.com);
- (5) Elite Mechanical, Inc. 401(k) Profit Sharing Plan (donna@elite-mechanical.com);
- (6) Leech Tishman Fuscaldo & Lampl, LLC 401(k) Profit Sharing Plan (jsteiner@leechtishman.com);
- (7) W.N. Tuscano Agency, Inc. 401(k) Savings Plan (scrary@tuscano.com);
- (8) St. Barnabas Health System Retirement Savings Plan (jdturco@stbarnabashealthsystem.com);
- (9) Hawaiian Island Dental, Inc. 401(k) Plan (allhawaiiismiles@hotmail.com);
- (10) Ad-base Group 401K Plan (adams@abgcapital.com);
- (11) Arc of Wabash County Inc. 403(b) Plan (MGuthrie@ArcWabash.org);
- (12) Adventure WV Plan (m.fowler@onthegorge.com);
- (13) The National Fruit Product Co., Inc. 401(k) Employee Savings Plan (atinsman@nfpc.com) and (agum@nfpc.com) and (tomwillis@glenlochlegal.com); and
- (14) Family Medicine of Albemarle 401(k) Plan (GStone@fmoacville.com).

Further, on or before May 15, 2024, the Independent Fiduciary posted/will post a copy of the First Motion for Fees of Independent Fiduciary [ECF #76], with Proposed Order [ECF 76-1] on its web site at www.receivermgmt.com/riversedge.

Respectfully submitted,

**RECEIVERSHIP MANAGEMENT, INC., AS
COURT-APPOINTED INDEPENDENT
FIDUCIARY OF MISMANAGED PLANS AND
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

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(615) 726-1000

(615) 370-0077 (fax)

Counsel for Receivership Management, Inc.