

# News Release



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## Sheet Metal Workers Pension Plan and Legal Counsel Held in Contempt of Court for Failing to Produce Subpoenaed Documents

**CLEVELAND** – A federal district court in Cleveland has granted a motion by the U.S. Department of Labor holding the Sheet Metal Workers Local No. 33, Cleveland Pension Plan, and its legal counsel, Baker & Hostetler, LLP, Cleveland, in civil contempt of court for failing to comply with a court order to produce subpoenaed documents.

“The court’s action now will enable us to obtain these documents and proceed with our efforts to protect workers’ benefits,” said Joseph Menez, director of the Cincinnati regional office of the Employee Benefits Security Administration (EBSA).

The federal court directed the plan and the law firm to comply with two subpoenas requiring that documents pertaining to a fiduciary liability insurance policy be furnished to the department by March 16, 2004. The court ordered the plan and Baker & Hostetler, LLP pay the Labor Department’s costs associated with prosecuting the civil contempt action and require them to comply with the original subpoenas no later than Jan. 31, 2005, or face additional contempt sanctions.

EBSA enforces the Employee Retirement Income Security Act (ERISA) and is seeking the documents named in two subpoenas as part of an inquiry into potential ERISA violations.

Employers and workers can reach the Cincinnati regional EBSA office at (859) 578-4680 or through EBSA’s toll-free number, **1-866-444-EBSA (3272)**, for help with problems relating to private-sector retirement and health plans. In fiscal year 2004, EBSA achieved record monetary results of \$3.1 billion related to the pension, 401(k), health and other benefits of millions of American workers and their families.

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(Chao v. Baker)  
Civil Action No.: 1:04CV834