

# News Release



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## **U.S. Labor Department Sues Wisconsin Company and 401(k) Plan Administrator for Failing to Forward Contributions**

**MILWAUKEE, Wis.** – The U.S. Department of Labor has sued Brookfield, Wisconsin-based Garrett Group L.L.C. and the administrator of its 401(k) savings plan for failing to forward employee contributions to the plan of company-owned Badger Die Casting Corporation of Milwaukee.

“We filed this case to ensure that the plan participants recoup the money they set aside for their retirement years,” said Kenneth Bazar, director of the Chicago regional office of the department’s Employee Benefits Security Administration (EBSA), which investigated the case.

The suit, filed in the federal district court in Milwaukee, alleges that plan sponsor Garrett Group, L.L.C. and administrator Steven Whiting violated the Employee Retirement Income Security Act (ERISA). The company and Whiting allegedly failed to forward contributions to the plan from Badger Die Casting Corporation’s employees from December 2001 through April 2002. The defendants also allegedly failed to promptly forward the contributions to the plan from August 2000 through November 2001.

The suit seeks to require the defendants to restore all plan losses plus interest, correct all prohibited transactions, and permanently bar them from serving as fiduciaries to any employee-benefit plans covered by ERISA.

The plan provided retirement and disability benefits to the employees of Garrett Group, L.L.C. and participating employers, including Badger Die Casting Corporation. The 401(k) plan held \$325,935 in assets and had approximately 45 participants as of Feb. 21, 2003. The plan assets were distributed to participants as of February 2004.

Employers with similar problems, who are not yet the subject of an investigation by EBSA, may be eligible to participate in the department’s Voluntary Fiduciary Correction Program (VFCP). Participation in the VFCP requires employers to make workers whole but allows them to avoid EBSA enforcement actions and civil penalties as well as applicable excise taxes. For more information about the VFCP see [www.dol.gov/ebsa](http://www.dol.gov/ebsa).

In fiscal year 2003, EBSA achieved record monetary results of \$1.4 billion related to the pension, 401(k), health and other benefits of millions of American workers and their families. Employers and workers can reach EBSA’s Chicago regional office at 312-352-0900 or through EBSA’s toll free number, 1-866-444-EBSA (3272), for help with problems relating to private-sector retirement and health plans.

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(Chao v. The Garrett Group)  
Civil Action No. 04-CV-00849

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