

News Release



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U.S. Labor Department Obtains Default Judgment Appointing Independent Fiduciary of Cleveland 401(k) Plan

CLEVELAND, Ohio – The U.S. Department of Labor has obtained a default judgment removing Classic Stone Industries, Inc. in Cleveland as a fiduciary of the company’s 401(k) plan and appointing an independent fiduciary to manage the plan.

Under the judgment, Patrick A. DiPietro of Certified Pension Services, Inc., 2300 Edison Blvd., Twinsburg, Ohio 44087 was appointed as the independent fiduciary of the Classic Stone Industries, Inc. 401(k) Plan. The independent fiduciary has authority to administer the plan, make investment, distribute the assets to participants and terminate the 401(k) plan.

“The Department of Labor will aggressively enforce the law to protect the retirement funds of this nation’s hardworking men and women,” said Joseph Menez, director of the Cincinnati regional office of the Employee Benefits Security Administration (EBSA). “Our legal action will ensure that these workers receive the future benefits owed to them.”

The default judgment alleged that Classic Stones violated its fiduciary duties under the Employee Retirement Income Security Act by failing to appointment a successor trustee to manage the plan when the trustee resigned in 1999. The company ceased business operations at that time.

The default judgment, entered in federal district court in Cleveland, resulted from an investigation conducted by EBSA’s Cincinnati regional office. In fiscal year 2003, EBSA achieved record monetary results totaling \$1.4 billion for retirement, 401(k), health and other programs. Employers and workers can reach EBSA’s Cincinnati regional office at (859) 578-4680 or through EBSA’s toll-free number at **1-866-444-EBSA(3272)**, for help with problems relating to private-sector retirement and health plans.

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(Chao v. Classic Stone Industries, Inc.)
Civil Action No. 1:04-CV-555