

**UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF OHIO**

HILDA L. SOLIS, Secretary of Labor,
United States Department of Labor,

Plaintiff

v.

File No.: 10-730-MHW-TPK

BELRON U.S., INC. (f/k/a SAFELITE GROUP,
INC.), RETIREMENT PLAN
ADMINISTRATIVE COMMITTEE, SAFELITE
ASSOCIATES' RETIREMENT SAVINGS PLAN
and SGC ASSOCIATES' PENSION PLAN,

Defendants

CONSENT ORDER AND JUDGMENT

Plaintiff Hilda L. Solis, Secretary of Labor, United States Department of Labor, pursuant to the provisions of the Employee Retirement Income Security Act of 1974("ERISA"), as amended, 29 U.S.C. §§1001, et seq., filed a complaint against defendants Belron U.S., Inc. (f/k/a Safelite Group, Inc) and its Retirement Plan Administrative Committee, alleging breaches of their fiduciary responsibilities under ERISA §§404(a)(1)(A) and (D), 405(a)(2), 406(a)(1)(C), and 406(b)(1) and (2), 29 U.S.C. §§1104 (a)(1)(A) and (D), 1105(a)(2), 1106(a)(1)(C), 1106(b)(1) and (2), with respect to the Safelite Associates' Retirement Savings Plan ("Savings Plan") and the SGC Associates' Pension Plan ("Pension Plan").

The Defendants, Belron U.S., Inc. and the Retirement Plan Administrative Committee ("Defendants"), have waived service of process of the complaint and have

admitted to the jurisdiction of this Court over them and the subject matter of this action, but neither admit nor deny the remaining allegations in the Secretary's Complaint.

The Plaintiff and Defendants have agreed to resolve all matters in controversy in this action between them (except for the imposition by Plaintiff of any penalty pursuant to ERISA §502(l), 29 U.S.C. §1132(l), and any proceedings related thereto), and said parties do now consent to entry of a Judgment and Order by this Court in accordance therewith.

The parties agree that, if the Secretary of Labor assesses a penalty pursuant to ERISA §502(l) in connection with the violations alleged in this matter, the "applicable recovery amount" shall include all amounts paid in accordance with this Consent Order and Judgment.

Upon consideration of the record herein, and as agreed to by the parties, the Court finds that it has jurisdiction to enter this Consent Order and Judgment.

IT IS THEREFORE ORDERED that:

1. Defendants Belron U.S., Inc. and the Retirement Plan Administrative Committee are permanently enjoined and restrained from violating the provisions of Title I of ERISA, 29 U.S.C. §1001 *et seq.*

2. Within ten (10) calendar days of the entry of the Consent Order and Judgment, Defendant Belron U.S., Inc. shall pay \$83,973.67 to the Pension Plan, which represents the repayment of administrative expenses paid by the Pension Plan and lost opportunity costs which accrued as a result of the payment of these expenses by the Pension Plan. Defendant Belron U.S., Inc. shall provide the Secretary with satisfactory proof of the payment.

3. Within ten (10) calendar days of the entry of the Consent Order and Judgment, Defendant Belron U.S., Inc. shall pay \$210,799.36 to the Savings Plan, which represents the repayment of administrative expenses paid by the Savings Plan and lost opportunity costs which accrued as a result of the payment of these expenses by the Savings Plan. Defendant Belron U.S., Inc. shall provide the Secretary with satisfactory proof of the payment.

4. Defendants Belron U.S. and the Retirement Plan Administrative Committee, Inc. shall comply with the terms of the Savings Plan's governing documents with respect to making distributions to missing or unlocated Savings Plan participants. At a minimum, Defendants shall employ at least one of the following methods from the Savings Plan's governing documents to locate missing participants:

- a. provide a distribution notice to the lost participant at his/her last known address by certified or registered mail;
- b. use of IRS letter forwarding program under Rev. Proc. 94-22;
- c. use of a commercial locator service, the internet or other general search method; or
- d. use of the Social Security Administration search.

5. Each party agrees to bear his, her or its own attorneys' fees, costs and other expenses incurred by such party in connection with any stage of this proceeding to date including, but not limited to, attorneys' fees which may be available under the Equal Access to Justice Act, as amended.

6. The Court shall maintain jurisdiction over this matter only for purposes of enforcing this Consent Judgment and Order.

7. Nothing in this Order is binding on any government agency other than the United States Department of Labor.

DATED Aug. 3 2010
Michael H. Watson
UNITED STATES DISTRICT JUDGE

The parties hereby consent to the entry of this consent order and judgment:

FOR THE SECRETARY OF LABOR

M. PATRICIA SMITH
Solicitor of Labor

JOAN E. GESTRIN
Regional Solicitor

Christine Z. Heri

CHRISTINE Z. HERI
Senior Trial Attorney

DATED: 8-12-10

P.O. ADDRESS:
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U.S. Department of Labor
230 South Dearborn Street, 8TH Floor
Chicago, Illinois 60604
312-353-7836

FOR THE DEFENDANTS:

FOR BELRON U.S., INC.:

By: D. A. Korman

DATED: 8/10/10

ce

Its: CFO

FOR THE RETIREMENT PLAN ADMINISTRATIVE COMMITTEE:

By: *D.A. Kenna*

DATED: *8/10/10*

Its: *MEMBER*

FOR SAFELITE ASSOCIATES' RETIREMENT SAVINGS PLAN:

By: *St H. Gjo*

DATED: *8-10-10*

Its: *SVP, Human Resources*

FOR SGC ASSOCIATES' PENSION PLAN:

By: *St H. Gjo*

DATED: *8-10-10*

Its: *SVP, Human Resources*

By: *[Signature]*

DATED: *8.11.10*

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