

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

EDWARD C. HUGLER,
Plaintiff,
v.
URBAN HOTELS INC. dba LAX
PLAZA HOTEL, URBAN HOTEL
401(k) PLAN AND TRUST,
Defendants.

No. CV 16-9262 PA (AFMx)
DEFAULT JUDGMENT & PERMANENT
INJUNCTION

In accordance with the Court’s April 17, 2017 Order granting the Motion for Default Judgment filed by plaintiff Edward C. Hugler (“Plaintiff”), it is hereby ORDERED, ADJUDGED, AND DECREED that:

1. Defendant Urban Hotels Inc. dba LAX Plaza Hotel, and Hidebumi Minagawa and Hailu Solomon are hereby removed as fiduciaries of the Urban Hotel 401(k) Plan and Trust (the “Plan”).
2. Metro Benefits, Inc., 8150 Perry Highway Suite 311, Pittsburgh, Pennsylvania 15237, hereby is appointed as the Independent Fiduciary of the Plan, and:

1 a. will be responsible for collecting, marshalling, paying out, and
2 administering all of the assets of the Plan and take further action with respect to the Plan as
3 appropriate, including terminating the Plan when all of its assets have been distributed to all
4 Eligible Plan Participants and Beneficiaries;

5 b. shall, pursuant to the procedures outlined in the Employee Benefits
6 Security Administration's Field Assistance Bulletin 2014-01, exercise reasonable care and
7 diligence to identify and locate each participant and beneficiary of Plan who is eligible to
8 receive a distribution under the terms of the Plan;

9 c. shall have all the rights, duties, discretion, and responsibilities of a
10 trustee, fiduciary, and Plan Administrator under ERISA, including filing a final Internal
11 Revenue Service Form 5500;

12 d. shall be authorized to delegate or assign fiduciary duties as appropriate
13 and allowed under the law and may retain such assistance as it may require, including
14 attorneys, accountants, actuaries, and other service providers;

15 e. shall be authorized to receive such fees and expenses in the amount of
16 \$2,525.00 from the assets of the Plan as the Court finds reasonable;

17 f. shall be authorized to have full access to all data, information, and
18 calculations in the Plan's possession and under its control, including information and records
19 maintained by the Plan's custodial trustee or service provider;

20 g. shall have the authority to give instructions respecting the disposition of
21 assets of the Plan;

22 h. shall comply with all applicable rules and laws; and

23 i. shall cooperate with all reasonable requests for information the Secretary
24 may have.

25
26 DATED: April 17, 2017



Percy Anderson
UNITED STATES DISTRICT JUDGE