

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

VERIZON EMPLOYEE BENEFITS)	
COMMITTEE,)	
)	Civil Action No. 2:14-CV-04053
Plaintiff,)	
)	
v.)	
)	
THOMAS NICHOLS and TD)	
AMERITRADE,)	
)	
Defendants.)	

ORDER

The parties have reached a stipulated resolution of Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction [Doc. 3]. By stipulation of the parties, it is hereby ORDERED (a) that Plaintiff's Motion for Temporary Restraining Order is deemed withdrawn; and (b) the following Order is entered:

Until further order of the Court, Defendants Thomas Nichols and TD Ameritrade, and Gradient Investments, LLC, the Registered Investment Adviser for Nichols' IRA Account No. XXXXX9149 held with TD Ameritrade ("Nichols IRA"), are hereby prohibited from dissipating, transferring, pledging, spending, disposing of, or encumbering the balance remaining from the \$269,549.89 payment made from the GTE Midwest Incorporated Plan for Hourly-Paid Employees' Pensions (hereinafter, the "Pension Plan"), which is a component of the Verizon Pension Plan for Mid-Atlantic and South Associates, to Thomas Nichols and rolled over to the Nichols IRA, but which the parties acknowledge Defendant Thomas Nichols previously withdrew approximately \$30,000 from commingled assets making up the Nichols IRA prior to notice and institution of this proceeding, as that amount has or will change based on earnings or losses since January 1, 2014 (hereinafter the "Erroneous Pension Payment"). The provisions of the immediately preceding sentence notwithstanding, as directed by the Court or as agreed to by the parties, Defendants shall be permitted to transfer the entire principal amount of the Erroneous

Pension Payment, plus any associated earnings on the Erroneous Pension Payment, in a single transfer into a separate, segregated deposit account, money market account, certificate of deposit or equivalent liquid account maintained by TD Ameritrade, and if the Erroneous Pension Payment, plus any associated earnings on the Erroneous Pension Payment, is so separated and segregated, such amount shall be subject to this Order but no other funds, deposits, investments or property of the Defendants shall be subject to this Order. Further, Defendant Thomas Nichols shall be prohibited from dissipating, transferring, pledging, spending, disposing of, or encumbering any cash or assets purchased with any funds previously withdrawn from the Nichols IRA (the "Purchased Assets"). This Preliminary Injunction shall apply to Defendants Thomas Nichols, Gradient Investments, LLC, and TD Ameritrade and their officers, agents, servants and employees.

This Preliminary Injunction is entered solely for the purpose of preserving the balance of the Nichols IRA attributable to the Erroneous Pension Payment until the Court vacates this Order or the Action is resolved. This Order, the associated pleadings and evidence, the fact of the Preliminary Injunction, and the Defendants' conduct in stipulating to the Preliminary Injunction shall not be admissible in evidence or otherwise considered by the Court in determining Defendants' liability or the remedies to which Plaintiff is entitled. Otherwise, the Court enters this Order without prejudice to, or any effect on, Defendants' rights ultimately to contest liability or the remedies sought by Plaintiff.

In accordance with the foregoing, the Plaintiff's Motion for Temporary Restraining Order is deemed withdrawn and the Motion for Preliminary Injunction [Doc. 3] is GRANTED.

s/ Nanette K. Laughrey
NANETTE K. LAUGHREY
United States District Judge

Dated: April 21, 2014
Jefferson City, Missouri