

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION, AT CLEVELAND**

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| <b>RICHARD REBLIN,</b>  | : | Case No. 1:05cv2270                               |
|   | : | Judge Patricia Gaughan                            |
| Plaintiff,  | : | Magistrate Judge Vecchiarelli                     |
| vs.   | : |   |
| <b>VISTA FINANCIAL GROUP 401(k)<br/>PLAN, HAROLD HOPKINS, LINDA<br/>HOPKINS, AND MARC B. MERKLIN,<br/>SPECIAL MASTER,</b> | : | <b><u>AGREED ENTRY AND FINAL<br/>JUDGMENT</u></b> |
|   | : |   |
| Defendants.   | : |   |

This Court has considered the pleadings filed and held a telephonic hearing on September 28, 2005.

The Court does hereby **FIND**: (1) that Marc B. Merklin, special master for Vista Financial Group, Inc. (the “Special Master”) holds a check dated March 9, 2005, drawn on Circle Trust Company for \$120,285.83 (the “Check”), which represents assets of the Vista Financial Group 401(k) Plan (the “Plan”); (2) that the Plan is subject to the Employee Retirement Income Security Act of 1974, as amended (“ERISA”); (3) that the sponsor of the Plan, Vista Financial Group, Inc., is insolvent, no longer functioning and cannot pay for the administrative expenses of the Plan; and, (4) that the named fiduciaries of the Plan are Harold Hopkins and his wife, Linda Hopkins (collectively the “Hopkins Parties”).

With the consent of the parties, the Court does hereby **HOLD** and **ORDER**, pursuant to ERISA § 502(a)(3), *codified at* 29 U.S.C. § 1132(a)(3): (1) that as of the date of this order Fidelity Management Trust Company (“Fidelity”), 82 Devonshire Street, Boston, MA 02109, shall be substituted for the Hopkins Parties as the administrator and trustee for the Plan; (2) that

the Hopkins Parties and the Special Master shall cooperate reasonably with Fidelity to provide Fidelity with the information and documents in such parties' possession or control necessary for Fidelity to administer and wind up the Plan; (3) that Fidelity act as quickly as possible to wind up and distribute the assets of the Plan to the Plan's participants and beneficiaries; (4) that Fidelity be substituted as the owner of all Plan assets in the custody or under the control of the Special Master; (5) that the Hopkins Parties and the Special Master cooperate reasonably with Fidelity to transfer Plan assets to Fidelity (and that Fidelity shall provide the name and address to whom the Check should be delivered by the Special Master); and, (6) that Fidelity be entitled to payment of its fees and expenses from the assets of the Plan. This is a final judgment entry that ends this case on the merits, with each party to bear its own costs and attorney fees.

**IT IS SO ORDERED AND ENTERED.**

/s/ Patricia A. Gaughan  
\_\_\_\_\_  
United States District Judge 9/30/05

Agreed to:

s/Jack F. Fuchs/s  
\_\_\_\_\_  
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s/Howard Groedel/s

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s/Marc B. Merklin/s

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