

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**MARIO ECKERT, ROBERT BAKER, : CIVIL ACTION NO. 1:15-CV-1920**  
**STEVE BILLET, KEVIN BLOOM, JR., :**  
**SHAWN CLARK, KAREN DIETZ, : (Chief Judge Conner)**  
**HERBERT C. GARBER, GISBEL :**  
**GARCIA, JR., MARIO GAROFALO, :**  
**BRADLEY HOCKENBERRY, :**  
**MARTIN PARSON, and :**  
**FRED WILSON, :**

**Plaintiffs**

v.

**CHAUFFEURS, TEAMSTERS AND :**  
**HELPERS LOCAL UNION 776 :**  
**PROFIT SHARING PLAN, :**  
**CHAUFFEURS, TEAMSTERS AND :**  
**HELPERS LOCAL UNION 776, :**  
**EDGAR H. THOMPSON, and :**  
**RONALD W. HICKS, :**

**Defendants**

**ORDER & JUDGMENT**

AND NOW, this 26th day of January, 2018, upon consideration of the complaint (Doc. 1), filed October 2, 2015, and the amended answer and counterclaims (Doc. 27), filed June 7, 2016, and following a bench trial held on October 23 and October 24, 2017, and for the reasons set forth in the accompanying memorandum, it is hereby ORDERED that:

1. Judgment is ENTERED as follows:
  - a. Judgment in favor of plaintiffs and against defendants Chauffeurs, Teamsters and Helpers Local Union 776 Profit Sharing Plan and Chauffeurs, Teamsters and Helpers Local Union 776 (“the Union”) on their Employee Retirement Income Security Act (“ERISA”) claim for denial of benefits.
  - b. Judgment in favor of plaintiff Mario Garofalo on defendants’ ERISA claim for breach of fiduciary duty.
  - c. Judgment in favor of plaintiffs Herbert C. Garber, Mario Garofalo, and Fred Wilson on defendants’ Labor-Management Reporting and Disclosure Act claim for breach of fiduciary duty.
  - d. Judgment in favor of defendants Ronald W. Hicks, Edgar H. Thompson, and the Union on plaintiffs’ ERISA claim for breach of fiduciary duty.
2. Defendants shall pay damages to plaintiffs for pension benefits in the amount of \$161,630.94 in accordance with plaintiffs’ exhibit 62 (Doc. 57).
3. Any motion for attorney’s fees must be made within fourteen (14) days of the date of this order pursuant to Federal Rule of Civil Procedure 54(d).

/S/ CHRISTOPHER C. CONNER  
Christopher C. Conner, Chief Judge  
United States District Court  
Middle District of Pennsylvania