

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

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**HILDA L. SOLIS, Secretary of Labor,** :

**United States Department of Labor,** :

**Plaintiff** :

v. :

**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** :

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File No.: 10-730-MHW-TPK

**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.



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:**  
Office of the Solicitor  
U.S. Department of Labor  
230 South Dearborn Street, 8<sup>TH</sup> Floor  
Chicago, Illinois 60604  
312-353-7836

FOR THE DEFENDANTS:

FOR BELRON U.S., INC.:

By: D. A. Korman

DATED: 8/10/10

Its: CFO

*ce*

**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*

**JOHN J. MCGOWAN, JR.**  
**Baker & Hostetler LLP**  
**3200 PNC Center**  
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**Attorney for the defendants**