

**UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF ALABAMA  
 SOUTHERN DIVISION**

**R. ALEXANDER ACOSTA, Secretary of  
 Labor, United States Department of Labor,** }

**Plaintiff,** }

**v.** }

**BRANDI BOX STEPHENS,** }

**Defendant.** }

**Case No.: 2:18-cv-00493-RDP**

**CONSENT JUDGMENT AND ORDER**

Plaintiff, Secretary of Labor, United States Department of Labor, pursuant to his authority under § 502(a)(2), 29 U.S.C. § 1132(a)(2), of the Employee Retirement Income Security Act of 1974, as amended, 29 U.S.C. § 1001 et seq., ("ERISA") has filed a Complaint against Defendant Brandi Box Stephens ("Defendant"). Defendant and the Secretary have agreed to resolve all matters in controversy in this action and said parties do now consent to entry of a Judgment and Order by this Court in accordance herewith.

A. The Secretary's Complaint alleges that Defendant breached her fiduciary duties with respect to the Iron Workers Local Union No. 92 Money Purchase Pension Plan ("Pension Plan") and Iron Workers Local Union Local No. 92 Health and Welfare Fund ("Health Plan") (collectively "the Plans") by failing to discharge her duties under the Plan and by violating provision §§ 404(a)(1)(A), 404(a)(1)(B), 406(a)(1)(D), 406(b)(1), and 406(b)(2) of ERISA, 29 U.S.C. §§ 1104(a)(1)(A), 1104(a)(1)(B), 1106(a)(1)(D), 1106(b)(1), and 1106(b)(2), as set forth in the Complaint.

B. Defendant hereby admits to the jurisdiction of the Court over her and over

the subject matter of this action. Defendant admits that this Court has the authority to enforce this Order and that this Court is the most appropriate venue for any enforcement action which may be required as a result of this Order.

C. Defendant admits each and every allegation in the Complaint.

D. Defendant expressly waives any and all claims of whatsoever nature that she has or may have against the Secretary, or any of her officers, agents, employees, or representatives, arising out of or in connection with the filing, prosecution, and maintenance of this civil action or any other proceeding and investigation incident thereto.

E. This Order represents a complete settlement of all the Secretary's claims asserted in this action against Defendant. This Order is not binding upon any government agency other than the U.S. Department of Labor and only resolves claims arising out of this action as between the Secretary and Defendant.

F. The Secretary and Defendant expressly waive Findings of Fact and Conclusions of Law, except as otherwise set forth and addressed herein, and consent to the entry of this Order as a full and complete resolution of all claims and issues which were, or might have been, alleged in this action without trial or adjudication of any issue of fact or law raised in the Complaint.

Accordingly, it is **ORDERED ADJUDGED AND DECREED** that:

1. The Court has jurisdiction over the parties to this Order and the subject matter of this action and is empowered to provide the relief herein.

2. Defendant be and she hereby is permanently enjoined from acting as a fiduciary, trustee, agent, or representative in any capacity to any employee benefit plan, as defined by ERISA.


3. This Consent Judgment resolves all claims of the Plaintiff's Complaint with the following exceptions:

a. This Judgment does not affect or bind any governmental agency other than the United States Department of Labor.

b. This Court retains jurisdiction for purposes of enforcing compliance with the terms of this Consent Order and Judgment.

c. Each party shall bear his or its own costs and expenses, including attorneys' fees, arising in connection with any stage of the above-referenced proceeding including but not limited to, attorneys' fees which may be available under the Equal Access to Justice Act, as amended.

**DONE and ORDERED** this May 14, 2018.

  
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**R. DAVID PROCTOR**  
UNITED STATES DISTRICT JUDGE